



W.P.(MD).No.17291 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.17291 of 2020

R.Sathiapandian

... Petitioner

Vs.

- 1.The Director of Collegiate Education,
DPI Campus,
Chennai – 6.
- 2.The Director of School Education,
DPI Campus,
Chennai – 6.
- 3.The Joint Director of Collegiate Education,
O/o.The Joint Director of Collegiate Education,
Madurai – 20.
- 4.The Chief Educational Officer,
Chief Educational Office,
Sivagangai – 630 562.
- 5.The District Educational Officer,
Sivagangai,
Sivagangai District.
- 6.The Principal,
Sri Sevugan Annamalai College,
Devakottai,
Sivagangai District.



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7.R.Baby Ramani
8.G.Chandran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent Nos.1 to 6 to initiate suitable action against the respondent Nos.7 and 8 in accordance with Section 7 of the Tamil Nadu Government Servants' Conduct Rules, 1973 and the direction issued by this Court in para 39(iv) of the Judgment in W.P.No.9314 of 2019, dated 15.04.2019 within the period stipulated by this Court.

For Petitioner	: Mr.Aswin Rajasimman for Mr.T.Lajapathi Roy
For RR 1 to 5	: Mr.N.Ramesh Arumugam Government Pleader
For R – 6	: Mr.S.Madhavan
For RR 7 & 8	: Mr.E.V.N.Siva

ORDER

The present Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondent Nos.1 to 6 to initiate suitable action against the respondent Nos.7 and 8 in accordance with Section 7 of the Tamil Nadu Government Servants' Conduct Rules, 1973 and the direction issued by this Court in para 39(iv) of the Judgment in W.P.No.9314 of 2019, dated 15.04.2019.



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2.Heard Mr.Aswin Rajasimman, learned counsel appearing for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents 1 to 5, Mr.S.Madhavan, learned counsel appearing for the sixth respondent and Mr.E.V.N.Siva, learned counsel appearing for the respondents 7 and 8 and perused the materials available on record.

3.It is the contention of the petitioner that the respondents 7 and 8 are the sister and brother-in-law of the writ petitioner. Respondent No.7 is working as B.T Assistant at Government Higher Secondary School, Salaigramam, Ilayangudi Taluk, Sivagangai District. Similarly, respondent No.8 is her husband and he is working in the sixth respondent College, which is a Government aided College. There are several family properties which were purchased by the grandfather of the petitioner namely Ponnusamy and those properties were undivided and were in possession of the petitioner's father Raman and after the death of his father on 10.02.2016, all those properties were undivided among the legal heirs. But respondent No.7, who is the petitioner's sister, while rendering Government service in collusion with the petitioner's mother, has attempted to swindle all the joint family

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properties by way of entering into two gift settlement deeds, dated 11.06.2012 and 22.07.2020. After coming to know of the same, the petitioner filed a civil suit in O.S.No.106 of 2020 on the file of the Subordinate Court, Manamadurai, seeking for declaration of the abovesaid gift deeds as null and void and the said suit is still pending. The registration of gift deed by which several properties to the tune of Rs.8,27,275/- as per the guideline value were acquired by respondent No.7 without bringing the same to the knowledge of her employer. She had neither got permission for acquiring the properties by way of gift deeds, nor informed about the same after the registration in the year 2012. The market value of the property is about Rs.40 lakhs. Further, respondent No.7 has also constructed a house in the land belonging to respondent No.8 to an extent of 6 cents situated at 12, Muthuramalingam Street, Sivagangai and the value of the house is about Rs.50 lakhs about which is also not informed to the employer. Respondent No.8 is also working as Government servant and he also did not seek any permission for acquiring the properties in the name of his wife and for the construction of a house in his family property. Respondent No.7 also suppressed the execution of gift deed in her favour on 22.07.2020.



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4.It is the further contention of the petitioner that respondent Nos.7 and 8 have violated Section 7 of the Tamil Nadu Government Servant's Conduct Rules, 1973. The Secretary to the Government, Personnel and Administrative Reforms (A) Department issued a letter on 18.03.2010, in which, instructions were issued to all the Departments stating that every Government servant has to submit the property return of his assets and liability statements in Forms I to V in Schedule I specified in the Government Servants' Conduct Rules, 1973, in respect of all his assets and liabilities covering completely all the movable and immovable properties, liquid assets, debts, other liabilities etc., first within three months of his appointment and thereafter, once in five years, as per Rule 7(3) of the Tamil Nadu Government Servant's Conduct Rules, 1973. However, respondent Nos. 7 and 8 have not informed about the acquiring of properties and construction of house to the concerned Departments. Hence, the petitioner made a detailed representation, dated 01.10.2020, to the respondents 1 to 6 requesting to initiate suitable action against the respondent Nos.7 and 8. However, the same has not been considered. Hence, the present Writ Petition



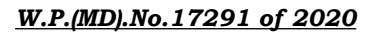
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5.A very reading of the affidavit of the Writ Petition would reveal that the crux of the issue itself has emerged out of private enmity between the family members, as a result of the family dispute.

6.Mr.E.V.N.Siva, learned counsel appearing for the respondents 7 and 8 vehemently questioned the maintainability of this Writ Petition itself relying on the Judgment passed by this Court in W.P(MD)No.8871 of 2018, dated 26.04.2018 (Sudalaikannu Vs. The Principal Secretary to Government, Municipal Administration and Water Supply Department, Secretariat, Chennai and others).

7.Fully relying on the said Judgment, this Court is inclined to accept the observation made by this Court in the said case, which is extracted usefully as follows:-

"14. As it is rightly pointed out by the learned Amicus, the law in this regard is well settled, as a third party, not connected with any service dispute cannot maintain the Writ Petition, invoking Article 226 of the Constitution of India, on the service side seeking a Writ of Mandamus to take action against any employee or officials.



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21. If such kind of frivolous litigations are entertained by this Court, that too, in exercising the extraordinary original jurisdiction of this Court under Article 226 of the Constitution of India, this Court is afraid that, there will be pouring of such frivolous litigations by unscrupulous persons every day and that will open the flood gate to so many unscrupulous persons to abuse the process of law, to settle their personal score in the guise of service dispute. Therefore, this Court has no hesitation to hold that this petitioner does not have any locus to maintain this writ



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petition for more than one reason, as he has already been considered to be a frivolous litigant by the Division Bench of this Court.”

Therefore, this Court has no hesitation to hold that the petitioner does not have any locus to maintain this Writ Petition because it has emerged out of private dispute.

8.In view of the same, this Writ Petition is dismissed. However, this Court is of the considered view that any observation made by this Court, in this case, may not have any impact on the result of the suit filed by the petitioner in O.S.No.106 of 2020 pending on the file of the Subordinate Court, Manamadurai. There shall be no order as to costs.

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NCC : Yes/No
Index : Yes / No
Internet : Yes
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L.VICTORIA GOWRI, J.

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