



W.P.(MD)No.14784 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :13.02.2023

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD).No.14784 of 2014

P.Sivakumar

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by The Secretary to Government,
Revenue Department,
Fort St. George, Chennai.
- 2.The District Collector,
Thoothukudi District,
Thoothukudi.
- 3.The Superintendent of Police,
Thoothukudi District, Thoothukudi.
- 4.The Inspector of Police.
SIPCOT Police Station,
Thoothukudi.
- 5.The Revenue Divisional Officer,
Thoothukudi Division, Thoothukudi.
- 6.The Commissioner,
Thoothukudi Municipal Corporation,
Thoothukudi.



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7.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi.

8.Gnanaraj

9.Rathna Sankar

10.Gopal

11.Sathis

12.Murugan

13.Seenivasan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus, directing the 1st respondent to initiate suitable departmental action against 8th to 13th respondents herein based on the petitioner's representation dated 09.12.2013 and 28.08.2014 to the authorities and consequently direct the State to award suitable compensation to victims.



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For Petitioner :No appearance

For Respondents :Mrs.D.Farjana Ghoushia
Special Government Pleader
for R1, R2, R5 & R7

:Mr.R.M.S.Sethuraman
Additional Public Prosecutor for R3 & R4

:Mr.N.Anandakumar for R6

:Mr.P.Athimoolapandian for
Mr.G.Mohan Kumar for R8

ORDER

The prayer in the writ petition is seeking for a direction to initiate disciplinary action against the respondents 8 to 13, by considering the representations of the petitioner dated 09.12.2013 and 28.08.2014.

2.When this writ petition was listed for hearing on 06.01.2023, it was brought to the notice of this Court that the learned counsel for the petitioner is no more. Hence, the Registry was directed to issue notice to the petitioner, returnable by 31.01.2023. The notice sent by the Registry to the petitioner had been returned with an endorsement that 'intimation delivered



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and unclaimed'.

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3.Again, when the matter was listed for hearing on 31.01.2023, Mr.M.Kubendran, learned counsel undertook to file vakalat on behalf of the petitioner. Hence, the writ petition was adjourned to 10.02.2023. Since no vakalat has been filed on behalf of the petitioner by any one, none of the counsel for the petitioner's name was not printed in the cause list.

4.The learned Additional Public Prosecutor have brought to the notice of this Court that pursuant to the representation of the petitioner, an enquiry had been conducted and the complaint of the petitioner had been closed as mistake of fact. When the complaint had been closed as mistake of fact, the petitioner has got remedy by way of filing a protest petition, which seems to have not been made till date. Further, the remedy sought for in this writ petition is seeking to initiate disciplinary action, against the Government servant. By judgment of this Court in W.P.(MD).No.17262 of 2022 dated 03.08.2022, this Court has held that a writ petition seeking to take disciplinary action against the Government servant is not maintainable.



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5. In view of the aforesaid reasons, I do not find any merit in this writ petition and the same is dismissed. There shall be no order as to costs.

13.02.2023

NCC :Yes/No
Internet :Yes/No
Index :Yes/No
sbn



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K.KUMARESH BABU, J.

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