



WP(MD) No.1095 of 2021

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 22.02.2024**

**CORAM**

**THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P(MD)No.1095 of 2021**  
**and W.M.P.(MD)No.951 of 2021**

R.Krishnasamy

... Petitioner

**Vs.**

1.The District Collector,  
O/o. the District Collector,  
Thoothukudi, Thoothukudi District.

2.The Commissioner,  
Kayathar Panchayat Union,  
Kayathar Taluk, Thoothukudi District.

3.The Block Development Officer,  
O/o. the Panchayat Union Office,  
Kayathar, Thoothukudi District.

4.The Panchayat President,  
Usilangulam Village,  
Kayathar Panchayat Union,  
Kayathar Taluk, Thoothukudi District.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, forbearing the 4<sup>th</sup> respondent and his



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men from preventing the petitioner in discharging his duty as Over Head Tank Operator at Usilangulam Village of the 4<sup>th</sup> respondent Panchayat, Kayathar Taluk, Thoothukudi District and further directing the 4<sup>th</sup> respondent to disburse the arrears of his salary by considering petitioner's representation dated 10.02.2020 pending on the file of the 1<sup>st</sup> respondent.

For Petitioner : Mr.R.Maheeswaran

For Respondents : Mr.N.GA.Natraj,  
Govt. Advocate.

### **ORDER**

The petitioner herein, who was working as Over Head Tank Operator in the 4<sup>th</sup> respondent Panchayat Union approached this Court by filing the present Writ Petition alleging that the fourth respondent in a high-handed manner tried to interfere with his duties and tried to appoint some third parties in his place. It is also contended that as the action of the 4<sup>th</sup> respondent was questioned by the petitioner, a communication dated 09.09.2020 was issued by the fourth respondent, alleging that the petitioner has not been discharging his duties properly. According to the petitioner, the said communication was issued by the fourth respondent with the sole



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intention of removing the petitioner and to appoint somebody of his choice in the place of the petitioner. Under those circumstances, the petitioner claimed to have submitted a representation before the first respondent on 10.02.2020 and complaining inaction on the part of the first respondent, on the representation said to have been submitted by the petitioner, the present Writ Petition has been filed.

2. The respondents have not filed any counter affidavit.

3. However, when the matter is taken up for consideration, it is brought to the notice of this Court by the learned Government Advocate appearing for the respondent No.4 that the petitioner is being continued as Over Head Tank Operator for all these years and he was also paid the salary for the month of January 2024.

4. In view of the specific instructions placed before this Court through a letter dated 22.02.2024 by the learned counsel for the respondent No.4 stating that the petitioner has been continuing in service and is being paid salary regularly, this Court is of the considered view that the cause in



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the Writ Petition does not survive. Accordingly, the same is closed. In case, the petitioner got any fresh cause of action, it is open to the petitioner to take appropriate steps in accordance with law. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**22.02.2024**

NCC : Yes/No

Index : Yes/No

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**MUMMINENI SUDHEER KUMAR, J.**

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**22.02.2024**