



W.P.(MD)No.9026 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.9026 of 2024

P.Ganesan

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Home Cts.IV Department,
Fort St.George, Chennai-600 009.

2. The Principal Secretary to Government,
Revenue and Disaster Management Department,
Fort St.George,
Chennai-600 009.

3. The Additional Chief Secretary,
Commissioner of Revenue Administration,
O/o. the Commissionerate of Revenue Administration,
Ezhilagam, Chepakkam,
Chennai-600 005.

4. The District Collector,
Collectorate, Tenkasi,
Tenkasi District.



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5. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Railway Feeder Road,
Tenkasi Post & District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 5 to conclude the Disciplinary Proceedings initiated against the erring officials as indicated by the writ petitioner within the time limit prescribed in G.O.Ms.No.81, Human Resources Management (N) Department dated 04.08.2022.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.S.Shanmnugavel
Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus for issuance of a direction to the respondents 1 to 5 to conclude the Disciplinary Proceedings initiated against the erring officials as indicated by the writ petitioner within the time limit prescribed in G.O.Ms.No.81, Human Resources Management (N)



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Department dated 04.08.2022.

2. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard Mr.M.Saravanakumar, learned counsel appearing for the petitioner and Mr.S.Shanmnugavel, learned Additional Government Pleader appearing for the respondents.

4. The petitioner seems to have brought some alleged irregularities committed by some 94 persons. He has also filed a writ petition in W.P.(MD)No.16731 of 2020 for issuance of writ of mandamus to direct the Government respondents to conduct enquiry and conclude the same. The above writ petition has been dismissed with the following observation.:

“The petitioner seeks conclusion of the petition mentioned enquiry proceedings.

2. I went through the contents of the complaint sent by the petitioner. The petitioner has arrayed as many as 94



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persons as the respondents in the complaint. They vary from Village Administrative Officers to District Collectors.

3. I do not want to make any comment on the petitioner. I would only state that it is for the competent authority to take action against the subordinate employees. It is not for this Court to issue any positive mandamus. A third party cannot insist or demand that disciplinary action must be taken against a particular employee or set of employees.

4. The Writ Petition is dismissed. No costs."

5. Despite the writ petition has been dismissed, the 4th respondent District Collector has sent a communication dated 05.05.2023 to the 5th respondent as though a direction has been given in the above writ petition in W.P(MD)No.16731 of 2020 to initiate disciplinary proceedings after making due enquiries on the allegations made by the petitioner against 94 persons. The petitioner appears to have been filing an application through RTI Act with regard to some complaints made by him. In some complaints, the complaint dated 10.04.2017, the petitioner has made various allegations as a counter for some earlier cases registered against him. The contents of the complaint would show that the petitioner



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tries to exercise the Government machinery to settle his personal score. Even though the earlier writ petition filed by him seeking direction to initiate disciplinary action against 94 persons has been dismissed, the petitioner has filed this present petition to conclude the disciplinary proceedings within a prescribed time limit.

6. First of all, there is no material to show that any disciplinary proceedings have been initiated against any specific individuals. Even if it is assumed that certain disciplinary action have been initiated against any of the individuals, the petitioner who is a third party cannot seek a direction against the Government respondents to conclude those enquiries as prayed by him.

7. It is for the authorities concerned to initiate action or not to initiate action or to dispose the proceedings as how they are duty bound to do. The petitioner being a third party cannot abuse the process of this Court to file such writ petition and hence, this writ petition is not maintainable.



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8. In the result, this writ petition is **dismissed**. No Costs.

12.04.2024

NCC :yes/no
Index :yes/no
Internet:yes/no

PJL

To

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R.N.MANJULA, J.

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