



W.P.(MD)No.10584 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.10584 of 2024

and

W.M.P.(MD).No.9499 of 2024

Vaiyapuri

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to the Government of Tamil Nadu,
Home Department,
Fort St.George,
Secretariat,
Chennai – 600 009.
- 2.The Director General of Police (Law and Order),
O/o. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai.
- 3.The Superintendent of Police,
O/o. The Superintendent of Police,
Karur District.
- 4.Ilangovan,
Inspector of Police,
Kulithalai Police Station, Karur District.
- 5.Karunanithi,
Sub-Inspector of Police,
Kulithali Police Station,
Karur District.



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6.Vimal,
Constable,
Kulithalai Police Station,
Karur District.

7.Suresh,
Constable,
Kulithalai Police Station,
Karur District.

8.Manigandan,
Constable,
Kulithalai Police Station,
Karur District.

9.Ruthrapathi,
Constable,
Kulithalai Police Station,
Karur District.

10.Manjula

11.Gurunathan ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 and 2 to take disciplinary proceedings against Respondent No.4 to 9 in the light of order passed by the Respondent No.2, vide C.No.18/ADGP/L&O/Camp/2024 dated 09.01.2024 by considering the petitioner's representation, dated 24.02.2024.

For Petitioner : Mr.G.Sujeeth

For Respondents : Mr.J.Ashok for R1 to R3
Government Advocate

Mr.R.Murugan for R10 & R11



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ORDER

By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.G.Sujeeth, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Government Advocate appearing for respondent Nos.1 to 3 and Mr.R.Murugan, learned counsel appearing for respondent Nos.10 and 11.

3. This Writ Petition has been filed by the petitioner to direct respondent Nos.1 and 2 to initiate disciplinary action against respondent Nos.4 to 9 in the light of the order passed by the second respondent in C.No. 18/ADGP/L&O/Camp/2024, dated 09.01.2024, by considering the representation of the petitioner, dated 24.02.2024.

4. The respondent Nos.4 to 9 have interfered in a civil dispute of the petitioner by joining hands with respondent Nos.10 and 11. The petitioner has already filed a suit against respondent Nos.10 and 11 for permanent injunction before the learned Sub-Judge, Kulithalai in O.S.No.160 of 2017. Earlier, respondent Nos.10 and 11 have also filed a suit against the petitioner for permanent injunction in O.S.No.48 of 2016 before the learned Sub-Judge,



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Kulithalai. The suit filed by the petitioner in O.S.No.160 of 2017 was dismissed and the suit filed by respondent Nos.10 and 11 in O.S.No.48 of 2016 was allowed. By the strength of the decree obtained by respondent Nos.10 and 11, they approached the respondent Police to evict the petitioner. Now, the petitioner has raised allegations against respondent Nos.4 to 9 stating that they joined hands with respondent Nos.10 and 11 and sought a direction from the respondent Nos.1 and 2 to initiate disciplinary action against respondent Nos.4 to 9.

5. The petitioner shall not be allowed to file this Writ Petition in order to enable him to achieve something indirectly which he failed to get directly from the Court where he filed the civil suit against respondent Nos.10 and 11. If disciplinary actions are directed to be taken against the government missionary who have to assist the decree-holder for executing the decree at the direction of the Court, it will affect the whole system of governance. The petitioner seems to have attempted to multiply the proceedings in view of the dispute between himself and respondent Nos.10 and 11. The contract of the employment is between respondent Nos.4 to 9 and their employers 1 and 2.



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6. The petitioner who is a third party seeks a direction against the employers to initiate disciplinary action against their employees. Unless there are any rare or unusual reasons the authority within respondent Nos.1 and 2 is discretionary in nature and it is upto them to appreciate as to whether the subordinates have to be subjected to disciplinary proceedings or not on the basis of any complaint received by them. So the direction as requested by the petitioner cannot be given and that would demoralize the Government servants who are under the obligation to implement the orders of the Court when need. So the petitioner has been attempting to make the Respondent Nos.4 to 9 as scapegoat in view of the litigation he has with respondent Nos.10 and 11.

7. I do not find any reason to entertain this writ petition.

8. Accordingly, the Writ Petition stands dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

29.04.2024

Index:yes/no
Internet:yes/no
Ncc : yes/no
TSG

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To

- 1.The Secretary to the Government of Tamil Nadu,
the State of Tamil Nadu,
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- 2.The Director General of Police (Law and Order),
O/o. The Director General of Police,
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- 3.The Superintendent of Police,
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R.N.MANJULA, J.

TSG

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