



WP(MD). No.397 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 08/01/2025

CORAM

**THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE**

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V.Duraisamy

... Petitioner

Vs

1. The District Collector,
Karur District, Karur.

2. The Assistant Director of Rural Development, (Panchayats),
Collectorate Building ,Karur.

3. The Block Development Officer,
K.Paramathi Panchayat Union,
K.Paramathi,
Karur District.

4. Umamaheswari,
President, Kodandur Village Panchayat,
K.Paramathi Panchayat Union,
Aravakurichi Taluk,
Karur District.

... Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 2nd respondent to forward the petitioner's complaint along with Show Cause



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Notice and explanation submitted by the 4th respondent to the 1st respondent thereby enabling the 1st respondent to take appropriate action against the 4th respondent by way of conducting enquiry in the manner known to law within a time as fixed by this Court.

For Petitioner : M/s.P.Sivachandran

For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

(Order of the Court was made by M.S.RAMESH, J.)

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

2. Since no adverse orders are going to be passed against the 4th respondent, notice to the 4th respondent is dispensed with.

3. The petitioner has filed this writ petition in the guise of public interest litigation for initiating an action by conducting enquiry against the 4th respondent, who is the President of the Kodandur Village Panchayat. However, on going through the affidavit filed in support of



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the petition, we are of the view that there is no public interest involved.

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4. In the affidavit filed in support of the present writ petition, the petitioner, who is not an employee of the Kodandur Village Panchayat but a villager of Kodandur South Village, appears to have accessed several internal official files/proceedings from the office of the Assistant Director of Rural Development (Panchayats), Karur and the office of the Block Development Officer, K.Paramathi Panchayat Union. On the basis of these official records, he has come to the conclusion that the 4th respondent/President of the Panchayat as well as one Mr.Thanarasu, Vice President of Kodandur Panchayat have indulged in misappropriation of the panchayat funds and therefore, seeks for action to be taken against the 4th respondent alone. We failed to understand as to how when the affidavit filed in the writ petition implicates the 4th respondent along with one Thanarasu, the petitioner has chosen to seek for action against the 4th respondent alone.

5. The proceedings of the official respondents, namely, respondent Nos.2 and 3 have been produced before this Court.



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6. A perusal of these records would indicate that based on some complaints given by the three members of the panchayat, the Assistant Director of Rural Development had summoned the 4th respondent herein for the enquiry through summons dated 12.07.2023. The show cause notices dated 23.01.2024, 08.03.2024, 17.05.2024 and 21.10.2024 issued to the 4th respondent have also been produced. These internal records evidence that an enquiry has been initiated against the 4th respondent herein and was pending. It is after all these, the petitioner had given a representation on 07.08.2024 through e-mail seeking for action. The affidavit does not disclose as to how the petitioner had accessed to these internal official records. Apparently, these records have been illegally procured by the petitioner, which act, is serious and condemnable.

7. With regard to the prayer sought for in the present writ petition seeking for action to be taken against the 4th respondent herein is concerned, the petitioner, being a third party, cannot seek for departmental action against the elected member of the Panchayat since the decision to initiate such departmental proceedings is within the scope



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and authority of the concerned disciplinary authority and it is not for the third party to invoke Article 226 of the Constitution of India for the purpose of directing the authorities to initiate/conclude such action. In the case of ***Sudalaikannu Vs., the Secretary, Municipal Administration and Water Supply Department and others*** (W.P.(MD).No.6734 of 2007) vide order dated 23.12.2008, such observation was made by a Coordinate Bench of this Court in the following manner:

“It is seen that the petitioner belongs to a particular political party and he also functioned as a Councilor of the Municipal Corporation. Further, the petition has been filed on frivolous reasons after knowing fully well that action is being taken against respondents-4 to 7. It has been repeatedly held by the Hon'ble Supreme Court as well as by this Court that vexatious applications in the guise of public interest litigations should not be entertained. Since the present petition is one of such kind, we hold that the petitioner has no locus standi to file it and the same is liable to be dismissed.”

8. In the instant case also, the petitioner, who is a third party, had chosen to illegally accessed the official records of the respondents 2 and



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3 and based on that, he had joined with other Ward members sent an e-mail to various Government officials seeking for an action against the 4th respondent.

9. We are of the view that the said representation has been made with an ulterior motive. The representation as well as the present writ petition might also have been initiated with a personal vendetta against the 4th respondent herein since the complaint has been highlighted only against the 4th respondent herein, while the vice president of the Panchayat was also equally implicated in the official enquiries and who, the petitioner, has chosen to ignore.

10. The present writ petition has been presented as if to espouse a public cause rather it appears to have been filed with an ulterior motive. The Hon'ble Supreme Court as well as this Court had held that vexatious applications in the guise of public interest litigations should not be entertained. In ***Rajnit Prasad vs., Union of India and others*** reported in **(2000) 9 SCC 313**, the Hon'ble Supreme Court had held as follows:

“8. It is, no doubt, true that the scope of "locus



standi" has been widened by this Court through its various decisions and, that too, in the field of Public Interest Litigation where it has been said that Public Interest Litigation can be initiated not only by filing petitions in the High Court or in this Court in a regular manner but also by means of letters and telegrams addressed to the Court. (See : People's Union for Democratic Rights v. Union of India , Bandhua Mukti Morcha v. Union of India , State of Himachal Pradesh v. A Parent of a Student of Medical College, Shimla and Bangalore Medical Trust v. B.S. Muddappa .

9. But a mere busy-body who has no interest cannot invoke the jurisdiction of the Court. In respect of departmental proceedings which are initiated or sought to be initiated by the Government against its employees, a person who is not even remotely connected with those proceedings cannot challenge any aspect of the departmental proceedings or action by filing a Writ Petition in the High Court or in this Court. Disciplinary action against an employee is taken by the Government for various reasons principally for "misconduct" on the part of the employee. This action is taken after a "domestic" enquiry in which the employee is provided an



opportunity of hearing as required by the constitutional mandate. It is essentially a matter between the employer and the employee, and a stranger, much less a practising advocate, cannot be said to have any interest in those proceedings. Public interest of general importance is not involved in disciplinary proceedings. In fact, if such petitions are entertained at the instance of persons who are not connected with those proceedings, it would amount to an abuse of the process of Court.

10. In view of the above, it is not open to the petitioner to challenge the Order of the High Court by which the departmental charge-sheet issued to Dr. U.N. Biswas was quashed. The permission to file the special leave petition is, therefore, refused.”

10. Since the petitioner had accessed the official files of the respondents 2 and 3 illegally and also abused the due process of law by filing a writ petition in the guise of a public interest litigation with an ulterior motive, we are inclined to impose exemplary cost.



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11. Accordingly, the writ petition stands dismissed with a direction to the petitioner to pay a sum of Rs.50,000/- (Rupees fifty thousand only) to be payable to the Legal Services Authority on or before 29.01.2025.

12. List this matter on 30.01.2025 'for recording compliance'.

[M.S.R.,J] [A.D.M.C.,J]
08.01.2025

NCC : Yes/No
Index : Yes/No
RR

To

1. The District Collector,
Karur District, Karur.

2. The Assistant Director of Rural Development, (Panchayats),
Collectorate Building Karur.

3. The Block Development Officer,
K.Paramathi Panchayat Union,
K.Paramathi, Karur District.



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