



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2015

CORAM:

THE HONOURABLE MR. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.P. (MD) No.940 of 2015

Saradha

...Petitioner

Vs.

The Hon'ble Principal District and Sessions Judge,
Madurai.

...Respondent

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 09.11.2014 and to take appropriate action by conducting an enquiry according to law and to send the necessary documents of the suit in O.S.No.198 of 2012 from the District Court Record Room to the III Additional Sub Court, Madurai.

For Petitioner : Mr.Usillai O.Sivakumar

ORDER

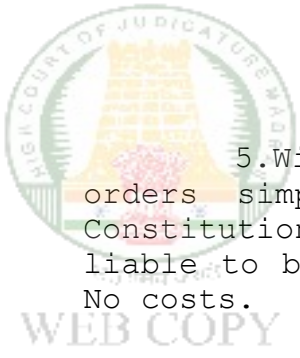
(Order of this Court was made by S.TAMILVANAN,J.)

Heard the learned counsel appearing for the petitioner.

2.The Writ petition has been filed invoking Article 226 of the Constitution of India, seeking an order in the nature of Writ of Mandamus or any other appropriate Writ Order or direction to the Principal District and Sessions Judge, Madurai, the respondent herein to consider the representation of the petitioner dated 09.11.2014 and to send necessary documents of the suit in O.S.No.198 of 2012 from the District Court Record Room to the III Additional Sub Court, Madurai.

3.Having gone through the averments made in the accompanying affidavit, it is crystal clear that the petitioner has not specified the details of the documents required and even, if any documents or copies thereon are required, the petitioner should approach the concerned court only as per the procedure known to law. She cannot simply file a Writ petition. In this case, the petitioner has submitted that she made a representation dated 09.11.2014, based on which, an enquiry should be conducted by the District Judge. The petitioner has stated that necessary documents relating to the suit in O.S.No.198 of 2012 should be sent to the III Additional Sub Court, Madurai by the Principal District Judge, Madurai, such a prayer is not legally sustainable.

4.The petitioner is entitled to get documents returned or copies of documents on payment of necessary fee as per procedure known to law. Merely giving a representation in writing and asking the District Judge to conduct an enquiry and asking to send necessary documents relating to the suit in O.S.No.198 of 2012 to the Sub Court has to be construed only as an abuse of process of law and the Court.



5. Without invoking relevant provisions for getting appropriate orders simply filing a Writ petition invoking Article 226 of the Constitution of India is not legally maintainable, hence, the same is liable to be dismissed. Accordingly the the Writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1. The Principal District and Sessions Judge, Madurai.

2. The IIIrd Additional Subordinate Judge, Madurai.

+1cc to Mr. O. Sivakumar, Advocate in SR.4166

+1cc to Mr. S. S. Sundar, Advocate in SR.3942

W.P. (MD) No. 940 of 2015
28.01.2015

nbj

pbk 05/03/2015 ::2p-5c: