



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.22226 of 2018

and

W.M.P.(MD) No.20155 of 2018

B.Freeda Mary

... Petitioner

vs.

1.The District Collector  
Dindigul District, Dindigul

2.The Revenue Divisional Officer  
Revenue Divisional Office  
Dindigul

3.The Tahsildar  
Taluk Office  
Nilakkottai  
Dindigul District

4.A.Jeyabaskar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari to call for the records pertaining to the Impugned Enquiry Notice issued by the 2<sup>nd</sup> Respondent in his proceedings Na.Ka.No.11036/17/Aa4 dated 11.10.2018 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis.

For Petitioner : Mr.S.Vellaichamy

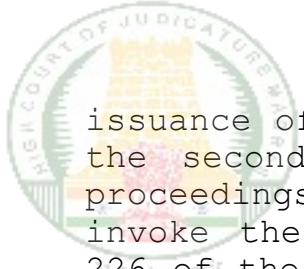
For Respondents : Mr.C.M.Mari Chelliah Prabhu

Additional Government Pleader for R1 to R3

### O R D E R

What is challenged in this writ petition is a show-cause notice issued by the second respondent, dated 11.10.2018, calling the petitioner for enquiry in regard to issuance of Patta. According to the petitioner, already there is a suit pending between her and the fourth respondent in O.S.No.81 of 2018, on the file of the learned Sub Judge, Dindigul. In view of the pendency of suit proceedings as between the petitioner and the fourth respondent, it is not open to the second respondent to call the petitioner for enquiry.

2. This Court is unable to appreciate the submissions made by the learned counsel appearing for the petitioner that the second respondent cannot even call the petitioner for enquiry in respect of



issuance of Patta. It is always open to the petitioner to approach the second respondent and appraise him of the pendency of suit proceedings. Instead of doing so, the petitioner has chosen to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. There is a clear attempt by the petitioner herein to multiply the litigation unnecessarily without going before the second respondent and explain the pendency of suit proceedings between her and the fourth respondent. This Court feels that the present writ petition, as against the show-cause notice, is clearly an abuse of process of Court and it cannot be entertained at all.

3. For the above said reasons, this Court is of the view that the writ petition lacks merits and the same is, therefore, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CRL.SIDE)

/True Copy/

Sub Assistant Registrar(CS-IV)

To:

- 1.The District Collector,  
Dindigul District,  
Dindigul.
- 2.The Revenue Divisional Officer,  
Revenue Divisional Office,  
Dindigul.
- 3.The Tahsildar,  
Taluk Office,  
Nilakkottai,  
Dindigul District.

- 1 CC TO Mr.S.VELLAICHAMY , ADVOCATE IN SR No. 93696.
- +1 cc to Special Government Pleader, SR.No.93633.

KRK

DS RP SAR4 11 12 2018 2P 6C

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and  
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