



WEB COPY

W.P. No.21193 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.12.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.21193 of 2019 and
W.M.P No.20402 of 2019

Minor. Susmitha
Rep. by her natural guardian
and mother D.Sumathi

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Tiruppur

2. Abdul Qadir

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records relating to the proceedings made in Na.Ka.No.1631/2019/A1 dated 19.06.2019 issued by the 1st respondent and quash the same and forbear the 1st respondent in any manner conducting further enquiry on the basis of the complaint given by the 2nd respondent.

For Petitioner : Mr.Ethirajulu G

For Respondents : Mr.V.Veluchamy
Additional Government Pleader
for R1
Mr.C.D.Sugumar for R2

ORDER



This Writ Petition is filed seeking to issue a writ of Certiorarified Mandamus calling for the records relating to the proceedings made in Na.Ka.No.1631/2019/A1 dated 19.06.2019 issued by the 1st respondent and quash the same and forbear the 1st respondent in any manner conducting further enquiry further on the basis of the complaint given by the 2nd respondent.

2. It is seen that the writ petition is filed challenging the notice dated 19.06.2019, issued by the 1st respondent in which, the petitioner and the 2nd respondents were asked to appear before him on 09.07.2019 at 3.00 p.m. It is the contention of the learned Senior Counsel for the petitioner that already the petitioner appeared before the 1st respondent on 09.07.2019 and without hearing the petitioner and without passing any order, the petitioner was asked to appear on some other day.

3. It is made clear that before appearing before the 1st respondent, the petitioner should have challenged the said notice and once the petitioner appeared on 09.07.2019, she cannot challenge the said notice.



4. Since it is stated by the petitioner that already the petitioner has filed a suit in O.S.No.196 of 2019, on the file of the District Munsif Court, Tiruppur, the parties are at liberty to work out their remedy before the Civil Court.

5. Since already the Civil Court has seized up the matter, the 1st respondent shall not insist the parties to appear before him for enquiry.

6. With the above directions, this Writ Petition is disposed of. Consequently connected Miscellaneous Petition is closed. There shall be no order as to costs.

13.12.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

To
The Revenue Divisional Officer,
Tiruppur



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P.VELMURUGAN. J.

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