



W.P.(MD)No.5159 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.5159 of 2021

Noorjahan

... Petitioner

vs.

1.The District Collector, Tirunelveli District.

2.The Tahsildar, Palaymkottai Taluk, Tirunelveli District.

3.Balaiah

4.Bala Meenakshi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to conduct enquiry on the representation of the petitioner's son dated 12.08.2020 given with respect of creating forged order in the name of office of the 2nd respondent and take appropriate action in accordance with law within the time fixed by this Court.

For Petitioner
For R1 and R2

:Mr.H.Arumugam
:Ms.D.Farjana Ghousia
Special Government Pleader



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ORDER

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This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing the first and second respondents to conduct an enquiry on the representation dated 12.08.2020, wherein, the petitioner has complained that the third and fourth respondents have produced forged records before the Civil Court, as if this information was furnished to them under the Right to Informations Act.

2.Heard Mr.H.Arumugam, learned Counsel for the petitioner and Ms.D.Farjana Ghousia, learned Special Government Pleader appearing on behalf of the respondents 1 and 2.

3.The grievance of the petitioner is that the petitioner has succeeded in a suit filed in O.S.No.238 of 2012 and aggrieved by the same, an appeal was filed in A.S.No.154 of 2014 and the same is pending before the Subordinate Court, Tirunelveli. At that point of time, the third and fourth respondents had filed an application under Order 41 Rule 27 CPC to bring in additional evidence. The third and fourth respondents are relying upon the proceedings of the second respondent dated



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24.08.2009. The husband of the petitioner became doubtful about this order, that was produced and therefore, he made an application before the second respondent seeking for the details about the order. A reply was given to the effect that no such order was passed by the second respondent. It is under these circumstances, the petitioner had made a representation to the first and second respondents to conduct an enquiry and to take action against the third and fourth respondents. Since the same was not considered, the present Writ Petition has been filed before this Court.

4.In the considered view of this Court, the documents in question, namely, the order of the second respondent dated 24.08.2009 is now in the *custodia legis* before the Subordinate Court, Tirunelveli. If this document is found to be a forged document, it is for the concerned Court to initiate proceedings by following the procedure under Section 340 Cr.P.C. While undertaking this exercise, information will also sought for from the first and second respondents and therefore, it is not necessary for the first and second respondents to consider the representation made by the petitioner at this point of time. It is left open to the petitioner to



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prosecute the application before the concerned Court under Section 340 of Cr.P.C. Except giving this clarification, no further orders are required to be passed in this Writ Petition.

5.This Writ Petition is disposed of in the above terms. No costs.

Index :Yes / No
Internet :Yes
NCC : Yes/No

13.10.2023

cmr

To

1.The District Collector, Tirunelveli District.

2.The Tahsildar, Palaymkottai Taluk, Tirunelveli District.



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N.ANAND VENKATESH, J.

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