



WEB COPY

W.P.No.32914 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No. 32914 of 2024

V.R.N.Thavamani

...Petitioner

Vs.

1.The Registrar General,
High Court of Madras,
Chennai - 600104.

2.The Principal District Judge,
Coimbatore District Court,
Coimbatore District.

...Respondents

Prayer: Writ Petition filed under 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to initiate appropriate action against the bailiff attached to the District Munsif Court, Sulur with reference to service of summons in O.S.No. 661 of 2023 on the file of the IV-Additional District Judge, Coimbatore by considering the representation dated 03.07.2024.

For Petitioner : Mr.S.Kamadevan

For Respondents : Mr.S.Arjun Suresh
Standing Counsel



ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

The petitioner seeks a mandamus, directing the respondents to initiate appropriate action against the Bailiff attached to the District Munsif Court, Sulur, alleging that there is certain irregularities in the service of summons.

2. A counter affidavit has been filed by the Principal District Judge, Coimbatore and para 10 & 11 of the said affidavit read as follows:-

"10. I further submit that, on perusal of the explanation of the individual, he enquired about the Defendant with the neighbours near the address and submitted the notice with endorsement as refused. He also has submitted that since he is new to the post and do not know the procedures of service of summons/notices endorsed as refused and sought apologize for his act. Explanation of the individual was not satisfactory, charges were framed under 17(b) of TNCS (D& A) Rules was framed for his act of misconduct on 19.11.2024. The same was served to the individual and the written statement of defence also has been received on 25.11.2024. The District Munsif, Sulur, after due consideration has submitted the file to this office for appointment of enquiry officer on 06.12.2024. As of now, inquiry is in progress before the Inquiry Officer/Special Judge, Special Court under TNPID Act, Coimbatore.



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11. I humbly submit that, Disciplinary Proceedings has been initiated against the staff concerned and pending for appointment of Inquiry Officer. It is untrue that there is no action has been taken against the erring staff as averred in the Writ Petition. There is no prima facie case for the petitioner and the balance of convenience is in favour of this respondent only. This respondent reserves her right to file additional counter statement, if any, later in the circumstances of the case."

3. In view of the said statement, we find that the prayer of the petitioner has already been answered. Hence, this Writ Petition is disposed of as having become infructuous. No costs.

(R.S.M., J.) (G.A.M., J.)
13.02.2025

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Internet: Yes

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Speaking

Neutral Citation : No



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R.SUBRAMANIAN, J.
and
G.ARUL MURUGAN, J.

KKN

To:

- 1.The Registrar General,
High Court of Madras,
Chennai - 600104.
- 2.The Principal District Judge,
Coimbatore District Court,
Coimbatore District.

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