



W.P(MD)No.10963 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.10963 of 2025

and

W.M.P(MD)NO. 8177 of 2025

B.Benjamin David Sathyanathan

... Petitioner

Vs

1. The Joint Director,
O/o.Joint Director Health Service,
Tirunelveli District..

2. State Rep. by Inspector of Police,
All Women Police Station,
Palayamkottai Police Station,
Tirunelveli City.
(Crime No. 21 of 2021).

3. Christina Ranjitham

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records pertaining to the Impugned Proceeding in Na.Ka.No. 4572/Cma/2024 dated 20.03.2025 on the file of the Respondent No.1 and quash the same.



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For Petitioner : Mr.Mohaboob Fazhil

For Respondents : Mr.R.Suresh Kumar
Addl.Govt. Pleader (for R1)

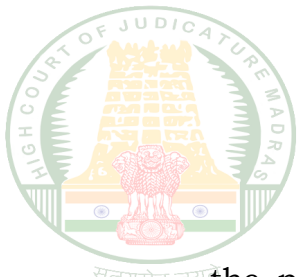
Mr.M.Karunanithi
Govt. Advocate (for R2)

ORDER

The order impugned in this writ petition is an enquiry notice issued by the first respondent.

2. Mr.Mahaboob Fazil, for the petitioner, by relying upon the orders passed by this court in CrI.O.P(MD)No.20153 of 2021 and CrI.O.P(MD)No.1296 of 2024, pleads that the idea of the third respondent is only to harass the writ petitioner, who is the husband of the third respondent.

3. In order to entertain a writ petition challenging an enquiry notice, this Court has come to the conclusion that the authority who issued the impugned notice, has no jurisdiction to issue the same. The Joint Director of Health Services has merely called for an explanation from the writ petitioner. It is always open to the writ petitioner to plead that the proceedings have been initiated on a *mala fide* and on the basis of the matrimonial dispute that existed between



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the petitioner and the third respondent. The first respondent has jurisdiction to issue the notice.

4. I am not inclined to interfere with the impugned proceedings. The mere fact that this court has not entertained the writ petition does not mean that the petitioner is not entitled to make all the objections open to him. Leaving it open to the petitioner to raise all the objections before the first respondent, this writ petition is dismissed. Needless to add that the petitioner is entitled to produce the medical records produced before this court during the grant of anticipatory bail and while processing quash petition to substantiate his case that the third respondent, was residing with her mother, at the time of the operation. No costs. Consequently, connected miscellaneous petition is also dismissed.

22.04.2025

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



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V.LAKSHMINARAYANAN, J.

skn

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