



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 8030/2023

Banwari Lal Swami S/o Shri Banshidas Swami, Aged About 70 Years, R/o Jyotiba Nagar Chala, Post Chala, Police Station Sadar Neemkathana, Tehsil Neemkathana, District Sikar (Rajasthan).

-----Petitioner

Versus

1. The Board of Revenue, Rajasthan, Ajmer Through Its Registrar.
2. The Divisional Commissioner, Kota Division Kota.
3. The District Collector, Kota.
4. The District Collector, Baran.
5. The Tehsildar, CAD, Kota.
6. Smt. Sunita Swami W/o Late Shri Ramaram Swami, Aged About 23 Years, R/o Jyotiba Nagar Chala, Police Station Neemkathana, District Sikar Now Resided At Raipur Jagir, Police Station Ajitgarh, District Sikar (Rajasthan). Presently Working On The Post of Patwari At Office of Assistant Land Record, Officer-Cum-Tehsildar, CAD Kota.

-----Respondents

For Petitioner(s) : Mr. Ajay Gupta
For Respondent(s) : Ms. Manju Joshi, AGC
Shri Ram Jhakhar

HON'BLE MR. JUSTICE ANOOP KUMAR DHAND

Order

16/10/2024

1. The instant writ petition has been filed with the following prayer:-

"i) The respondent No. 1 to 5 may kindly be directed to remove/dispense with the service of the respondent No. 6 from the post of Patwari in view of the filing Charge Sheet no. 03/2023 against her for offence under Section 306, 34 IPC before Judicial Magistrate (First Class) Dantewada, District Dantewada, Chhatisgarh by debarring him to perform the work of Patwari at office



of Assistant Land Record Officer cum Tehsildar, CAD, Kota.

ii) Any other order which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case also be passed in favour of humble petitioner along with cost of writ petition."



2. By way of filing of this writ petition, a direction has been sought against the respondent Nos. 1 to 5 to remove the respondent No.6 from the post of Patwari.

3. Learned counsel for the petitioner submits that an FIR was registered against the respondent No.6 wherein after the investigation, charge-sheet was submitted against her for the offence punishable under Section 306, 34 of IPC and thereafter, cognizance was taken. Counsel submits that because of such conduct of the respondent No.6, she cannot be retained in service, hence under these circumstances, the petitioner being father-in-law of the respondent No.6 sent a notice for demand of justice to the respondents for removing her from service. Counsel submits that when no action was taken by the respondents, the petitioner has approached this Court by way of filing of this writ petition with the aforesaid prayer.

4. Heard and considered the submissions made at Bar and perused the material available on the record.

5. Admittedly, the petitioner is the father-in-law of the Respondent No.6, it appears that their relations became estranged because of an incident occurred on 12.03.2020 where the son of the petitioner and husband of the respondent No.6 has died an unnatural death by committing suicide, which the petitioner lodged an FIR No. 9/2021 against the Respondent No.6 wherein



charge-sheet has been submitted against her under Section 306, 34 IPC, thereafter, she has got appointment on the post of Patwari. Petitioner is aggrieved by the appointment of Respondent No.6, hence, he has approached this Court for issuing directions for her removal from service. The petitioner also sent a legal notice in this regard to the respondents. The respondents would proceed in the matter in accordance with law.



6. Now with an oblique motive to settle his personal score the petitioner has submitted this petition. Such act of the petitioner is sheer abuse of the process of law because the law will take its own motion. It is the settled proposition of law that process of law should not be allowed to be mis-used by a litigant to satisfy his personal grudges and oblique considerations to settle personal scores.

7. The Hon'ble Apex Court in the case of **Gurpal Singh Vs. State of Punjab** reported in **(2005) 5 SCC 136** has held that that the Court must not allow its process to be abused for oblique considerations by masked phantoms who monitor at times from behind.

8. In **Subrata Roy Sahara vs. Union of India & Ors.** reported in **(2014) 8 SCC 470**, Hon'ble Supreme Court in Para 191 observed as under:-

"191. The Indian judicial system is grossly afflicted with frivolous litigation. Ways and means need to be evolved to deter litigants from their compulsive obsession towards senseless and ill-considered claims."



9. Recently Hon'ble Apex Court in the case of **Chanchalpati Das vs. The State of West Bengal & Anr. reported in (2023)**

SCC Online 650 has held in para 20 as under:-



"20. We would like to add that just as bad coins drive out good coins from circulation, bad cases drive out good cases from being heard on time. Because of the proliferation of frivolous cases in the courts, the real and genuine cases have to take a backseat and are not being heard for years together. The party who initiates and continues a frivolous, irresponsible and senseless litigation or who abuses the process of the court must be saddled with exemplary cost, so that others may deter to follow such course. The matter should be viewed more seriously when people who claim themselves and project themselves to be the global spiritual leaders, engage themselves into such kind of frivolous litigations and use the court proceedings as a platform to settle their personal scores or to nurture their personal ego"

10. Platform of this Court cannot be used or misused to settle the personal grudges or disputes. If, at all, the petitioner, being father-in-law of the respondent No.6 is having some ill-will against his daughter-in-law (here, respondent No.6) still he shall not be permitted to misuse the process of this Court, by filing the instant baseless writ petition with an ulterior motive to waste the time of other litigants.

11. This writ petition is highly misconceived and the same is dismissed with a cost of Rs.50,000/- the petitioner is directed to deposit the cost amount in the Litigants Welfare Fund of this Court.

12. Stay application as well as all pending application(s), if any, also stand dismissed.

(ANOOP KUMAR DHAND),J