

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.4.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.12523 of 2015 and
M.P.Nos.1 and 2 of 2015

Yogavathi

..Petitioner

vs.

1 The Office of the District Collector
Namakkal District Namakkal

2 The District Revenue Officer
Namakkal District Namakkal

3 A.Manonmani

4 R.Senthilkumar

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified Mandamus to call for the records of the order passed by the 2nd respondent in Si.Pa.No.97-2014-A1 dated 20/01/2015 and Si.Pa.25-2015 A5 (C.M.Cell) dated 12/02/2015 and quash the same and consequently direct the respondents 1 and 2 to take necessary Departmental disciplinary proceedings against the 3rd respondent for issuing a false marriage eligibility certificate in favour of the 4th respondent.

For Petitioner : Mr. V.Chinnasamy

For Respondents : Mr.S.Gunasekaran
Government Advocate

O R D E R

By consent of both sides, the writ petition itself is taken up for final disposal.

2. There is a matrimonial dispute between the petitioner and her husband. The petitioner made a complaint against her husband before All Women Police Station, Thallakulam, Madurai District. In the complaint, the petitioner has stated that her husband married her by suppressing the earlier marriage. The petitioner also filed O.S.No.23 of 2012 against her husband before the Family Court for declaring marriage as null and void and for compensation.

3. It is stated that the husband of the petitioner filed H.M.O.P.No. 4 of 2012 for restitution of conjugal right before the Sub Court, Namakkal and the same was transferred to Family Court, Madurai and pending in H.M.O.P.No.197 of 2014.

4. According to the petitioner, the marriage took place only on the basis of the false certificate given by the third respondent. In this regard, a complaint was also made by the petitioner against the third respondent.

5. Now the petitioner has filed this writ petition seeking for a direction to the respondents 1 and 2 to take action against the third respondent for giving false certificate.

6. It appears that pursuant to the complaint given by the petitioner, an enquiry was conducted by the All Women Police Station, Namakkal, wherein the third respondent has given explanation for issuing such a certificate. Further, in the impugned order, the second respondent has clearly stated that appropriate action will be taken based on the orders to be passed in the pending Criminal cases as against the husband of the petitioner herein.

7. In view of the above stated position, I am not inclined to issue a direction as sought for by the petitioner. It is for the Department to decide as to whether action should be taken or not against the employees, after considering all the materials available with them and the petitioner has no locus standi to raise this issue before this Court by way of this writ petition.

With the above observation, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

1 The Office of the District Collector
Namakkal District Namakkal

2 The District Revenue Officer
Namakkal District Namakkal

W.P.No.12523 of 2015

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