



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 09.08.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.14444 of 2016

Kandasamy

..Petitioner

Vs

The Special Tahsildar,
Civil Supply Department/Taluk Supply Office,
Aruppukkottai Taluk,
Aruppukkottai,
Virudhunagar District.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to remove the Petitioner's divorced first wife's name Amirthavalli from the Petitioner's Family Card No.26/G/0020544 and to include the Petitioner's second wife's name Ramalakshmi in the Family Card.

For Petitioner :M/s.R.Murugappan

For Respondent :Mr.J.Gunaseelan Muthiah
Govt.AdvocateORDER

Heard both sides.

2.By consent of both sides, the main Writ Petition itself is taken up for final disposal.

3.No counter is filed on behalf of the Respondent.

4.According to the Petitioner, he belongs to Hindu Pallan Community(Scheduled Caste) and he married one Amirthavalli, daughter of Gurusamy, a resident of Burma Colony, Sivakasi, Virudhunagar District in the year 2001. After marriage, there was no issues between them and also there arose a difference of opinion between them. Finally, on 13.2.2005 they got separated in the presence of both sides family members as well as their village heads and as per their customs. In respect of this customary



divorce, there was an agreement, in and by which, he divorced his first wife and that both side parents and their community head signed and customary divorce was accepted in the Petitioner's community.

5. The Petitioner after separating himself from his first wife, got married for the second time with one Ramalakshmi, who belongs Melakuranaikulam Village, Tiruchuli Taluk, Virudhunagar District. The said marriage took place on 27.11.2014 in the presence of both side parents in their village and now he has a male child. After marriage, the Petitioner's second wife (Ramalakshmi) submitted an application before the Taluk Supply Officer, Tiruchuli, Virudhunagar District, for removing her name from her family ration card. Her application, dated 13.7.2015 was considered and her name was removed from her family ration card on 13.7.2015 by the Taluk Supply Officer, Tiruchuli, Virudhunagar District.

6. It comes to be known that the Petitioner's Ration Card No is 26/G/0020544 and in that Family Card, his divorced first wife's name finds a place. Therefore, the Petitioner submitted an application on 30.5.2016 to the Respondent together with necessary documents for removing the name of his divorced first wife Amirthavalli from his ration card and to include his second wife's name Ramalakshmi in his family ration card. Till date, his representation has not been considered by the Respondent. Hence the Petitioner has filed the present Writ Petition before this Court, for the relief stated supra.

7. Considering the fact that the Petitioner's petition/representation dated 30.5.2016 addressed to the Respondent/The Special Tahsildar, Civil Supply Department/Taluk Supply Office, Aruppukkottai Taluk, Aruppukkottai, Virudhunagar District is pending in the subject matter in issue (namely for including the individual's name I.e., to include the name of K. Ramalakshmi, aged 20 years, second wife) in the family ration card of the Petitioner, this Court, at this stage, without going into the merits and contents of the representation of the Petitioner dated 30.5.2016, directs the Respondent/The Special Tahsildar, Civil Supply Department, Taluk Supply Office, Aruppukkottai Taluk, Aruppukkottai, Virudhunagar District to look into the representation of the Petitioner dated 30.5.2016 and dispose of the same on merits (of course after providing necessary opportunity to the Petitioner and others concerned, if any, by adhering to the principles of natural justice in true letter and spirit) within a period of four weeks from the date of receipt of a copy of this order. The Petitioner is directed to lend his assistance to the Respondent, in disposing of his representation dated 30.5.2016, within the time frame fixed by this Court.



8. With the aforesaid observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Record)

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/True Copy/

Sub Assistant Registrar-

To

The Special Tahsildar,
Civil Supply Department/Taluk Supply Office,
Aruppukkottai Taluk,
Aruppukkottai,
Virudhunagar District.

+1CC to M/S. Murugappan, Advocate SR.No.42864

+1CC to Special Government Pleader SR.No.43244

W.P (MD) No.14444 of 2016

09.08.2016

VS

SD/SS2/18.08.2016/3P/4C