

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.16664 of 2017

Radha

... Petitioner

v.

1 The General Manager  
M/s.Central Bank of India  
China Bazaar Branch  
1 & 2, Devaraja Mudali Street  
Opp. Chennakesava Perumal Temple  
Chennai-600 003

2 The General Manager  
M/s.Central Bank of India  
Zonal Office  
48/49, Montieth Road  
Egmore  
Chennai-600 008

3 The Under Secretary  
Ministry of External Affairs  
Government of India  
New Delhi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to furnish the present overseas residential address of petitioner's husband V.Ramachandran (P.F. No.58218).

For Petitioner : Mr.Suthakar  
for M/s.Revathi G. Mohan

For Respondents : Mr.N.ShivaBharathi - for R3

ORDER

The petitioner has filed the above writ petition to issue a Writ of Mandamus, directing the respondents to furnish the present overseas residential address of her husband V.Ramachandran (P.F. No.58218).

2.1 According to the petitioner, she is the legally wedded wife of one V.Ramachandran, who is the retired employee of the first respondent-Bank. Having voluntarily retired from the service, the said Ramachandran migrated to Australia leaving the petitioner and his child.

2.2 It is also the case of the petitioner that Ramachandran is drawing monthly pension from his pension account, vide P.F.No.58218, from the first respondent-Bank and for getting pension, he has to give his life certificate by furnishing his present residential address. According to the petitioner, the third respondent is aware of the overseas residential address of the petitioner's husband, since he appears before the Indian Consulate in Australia every year to furnish his life certificate. In these circumstances, the petitioner has filed the above writ petition under Article 226 of the Constitution of India to direct the respondents to furnish the present overseas residential address of her husband.

3. On a perusal of the records, it could be seen that at the request of the petitioner, the first respondent-Bank furnished the address of her husband on 31.10.2012. According to the petitioner, the first respondent has given only the address in India and they have not furnished the overseas address to her. The first respondent can only give the address available with them in the records and they cannot search for the address of the petitioner's husband and furnish the same to the petitioner. That apart, admittedly, there are so many disputes between the petitioner and her husband and she has also filed a petition for restitution of conjugal rights in O.P.No.1052 of 2013, on the file of Principal Judge, Family Court, Chennai, which was allowed by the Family Court. The petitioner has also filed a petition under Domestic Violence Act before the XV Metropolitan Magistrate Court, Chennai. That apart, the petitioner has also filed a Habeas Corpus Petition in H.C.P.No.1136 of 2000 and the Division Bench of this court, by order dated 05.01.2009, recorded as follows:-

"2. .... The 5<sup>th</sup> respondent filed a counter. In the counter, it is stated that the 5<sup>th</sup> respondent has arranged a telephonic conversation with the husband of the petitioner on 16.10.2006 and due to family dispute only the husband is unable to contact the wife and he assured that once when he returned to India, he will settle the disputes. Paragraphs 4 and 5 read thus:

"4. I respectfully submit that on receiving the complaint on 16.10.2006, I summoned one Mr.Santhanam, who is the brother of Mr.Ramachandran and through him I arranged

for a telephone conversation between the petitioner and her husband who was at Australia at that point of time. In the telephone conversation, the husband of the petitioner had stated that due to family dispute, he was not contacting his wife and he will settle the disputes once he return to India. Since the husband of the petitioner spoke to the petitioner, the enquiry was closed.

5. I respectfully further submit that this petitioner is giving the same complaint repeatedly before various authorities. In view of the disposal of the complaint of the petitioner dated 16.10.2006, further complaints are not substantive in law".

Therefore, we are satisfied with the action taken by the 5<sup>th</sup> respondent and we are of the view that it is not a fit case to give a direction to the respondents to trace out the whereabouts of the husband of the petitioner. Hence, the habeas corpus petition is dismissed." and dismissed the Habeas Corpus Petition.

4. When the respondents are not legally duty bound to furnish the address of the petitioner's husband, the present writ petition seeking for issuance of mandamus, is liable to be dismissed. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Asst.Registrar (CS VIII )

/true copy/

Sub Asst. Registrar

Rj

To

- 1 The General Manager  
M/s.Central Bank of India  
China Bazzar Branch  
1 & 2, Devaraja Mudali Street  
Opp. Chennakesava Perumal Temple  
Chennai-600 003

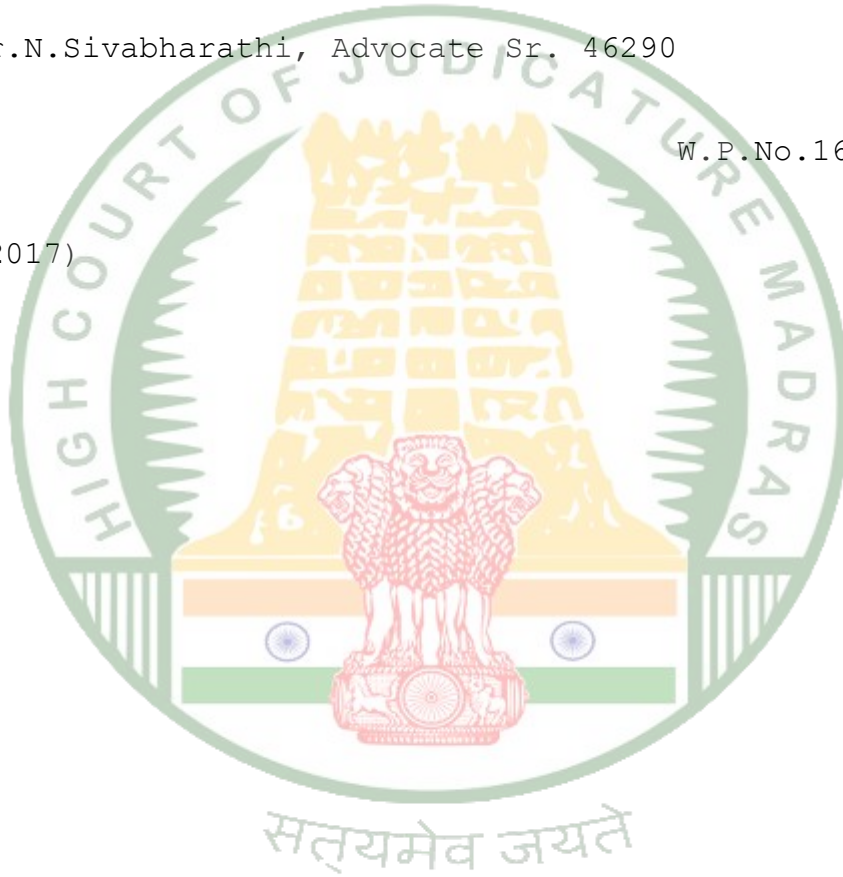
2 The General Manager  
M/s.Central Bank of India  
Zonal Office  
48/49, Montieth Road  
Egmore  
Chennai-600 008

3 The Under Secretary  
Ministry of External Affairs  
Government of India  
New Delhi

+1cc to Mr.N.Sivabharathi, Advocate Sr. 46290

W.P.No.16664 of 2017

SSI (CO)  
VR(14/07/2017)



WEB COPY