



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.7086 of 2017

and

W.M.P. (MD) No.5601 of 2017

Selvarani

..Petitioner

Vs.

1. The Superintendent of Police,
Virudhunagar,
Virudhunagar District.

2. Lakshmanan

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent not to disburse the retirement benefits including G.P.F., to the second respondent.

For Petitioner : Mr.R.Niresh Kumar

For R-1 : Mr.C.Selvaraj,
Special Government Pleader.

O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the first respondent not to disburse the retirement benefits including G.P.F., to the second respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the first respondent.

3. Mr.C.Selvaraj, learned Special Government Pleader, takes notice for the first respondent. By consent, the Writ petition itself is taken up for final disposal.

4. The second respondent is the husband of the petitioner. The grievance of the petitioner in the present case is that the



petitioner has given a complaint against the second respondent before the All Women Police, Rajapalayam and that on enquiry, the second respondent promised to take care of the petitioner. The learned counsel for the petitioner submitted that the petitioner withdrew the complaint on the false promise, but once again the second respondent started harassing the petitioner.

5. Except making the allegation against the second respondent/husband, the petitioner has not stated how she is entitled to get the retirement benefits of the second respondent. It is a peculiar case where the petitioner wants to settle the dispute with the second respondent by filing this Writ petition. The request of the learned counsel for the petitioner is that the Writ petition may be admitted so that there can be some settlement between the husband and wife.

6. The Writ petition cannot be admitted or kept pending for the purpose of enabling the petitioner to have some sort of settlement or compromise with the first respondent. The Writ petition is not maintainable, as the petitioner has no right or locus standi to prevent the second respondent from getting the retirement benefits. Even if the petitioner is entitled to get maintenance, she can get relief by approaching appropriate forum and can also obtain any amount payable to the second respondent by way of enforcing an order of the Court for maintenance. However, she cannot maintain the Writ petition for the relief prayed for. Having regard to the object with which the Writ petition is filed, this Court feels that the Writ petition is liable to be dismissed with cost. Hence, the Writ petition is dismissed with the cost of Rs.1,000/- (Rupees One Thousand only) payable to the High Court Legal Services Authority. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

The Superintendent of Police,
Virudhunagar,
Virudhunagar District.

+1cc to SPECIAL GOVERNMENT PLEADER in SR. No.53170

+1cc to M/s. P.NIRESHKUMAR Advocate in SR. No.53050

PMU

JS/SV/SAR.3/30.05.2017/2P-4C

ORDER MADE IN

W.P.(MD).No.7086 of 2017

and

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