

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2018

CORAM

THE HON'BLE MR.JUSTICE M. DHANDAPANI

W.P.No.29478 of 2006
and M.P.No.1 of 2006

I.Gnanaselvi

... Petitioner

Vs.

1. The Director of Horticulture,
Chepauk, Chennai - 5.
2. The Deputy District of Horticulture,
14, Hazarath Abdul Salam Street,
Khaja Nagar, Trichy - 20.
3. Elavarasan

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to take action against the third respondent and to complete the enquiry and to initiate appropriate proceedings against the third respondent as per the notice issued by the second respondent in A.No.3074 of 2005, dated 10.12.2005.

For Petitioner : Mr.Veera Kathiravan

For Respondents : Mr.K.Ravikumar
Additional Government Pleader
For R1 and R2

R3 - dismissed vide order
dated 21.08.2012

O R D E R

This Writ Petition has been filed, directing the first and second respondents to take action against the third respondent as per the notice issued by the second respondent in A.No.3074 of 2005, dated 10.12.2005.

2. The case of the petitioner is that she was married a one Elavarasan, who is the third respondent herein, on 06.06.1985 as per the Hindu customs and out of the wedlock, a male and female child were born to them. Thereafter, the petitioner's husband was

transferred to Kodaikanal, and subsequently transferred to Vridhachalam in the year 1993, where he started illegal intimacy with one Varalakshmi who left the matrimonial home including children. Therefore, the petitioner filed an application before the Judicial Magistrate No.1, Chidambaram, seeking maintenance. The learned Judicial Magistrate, by an order dated 15.05.1997, has awarded a sum of Rs.1000/- as maintenance to the petitioner which is still in force.

3. While that being the position, to the petitioner shock and surprise, she came to know that her husband married the said Varalakshmi as second wife and they both are living as husband and wife. Hence, she filed a complaint before the second respondent and thereafter, the second respondent, conducted first enquiry on 31.10.2003 and another enquiry on 26.12.2005 for the another complaint made by the petitioner. However, the respondents 1 and 2, have not taken any action against the third respondent/husband. Aggrieved by the same, the present Writ Petition has been filed by the petitioner seeking to take action against the third respondent.

4. The petitioner has also filed a Criminal complaint in C.C.No.142 of 2003 before the Judicial Magistrate No.1, Vridhachalam, for the commission of offense committed by the third respondent/husband. Despite of the same, no action was taken so far by the respondents 1 and 2.

5. On perusal of the entire records, and based on the grievance of the petitioner, this Court is inclined to issue a direction to the first and second respondents to take action on the third respondent/husband.

6. Accordingly, the first and second respondents are directed to take appropriate action against the third respondent/husband, if he committed any offense under Government Servants Conduct Rules.

7. In the above terms, this Writ Petition is disposed of. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

raja

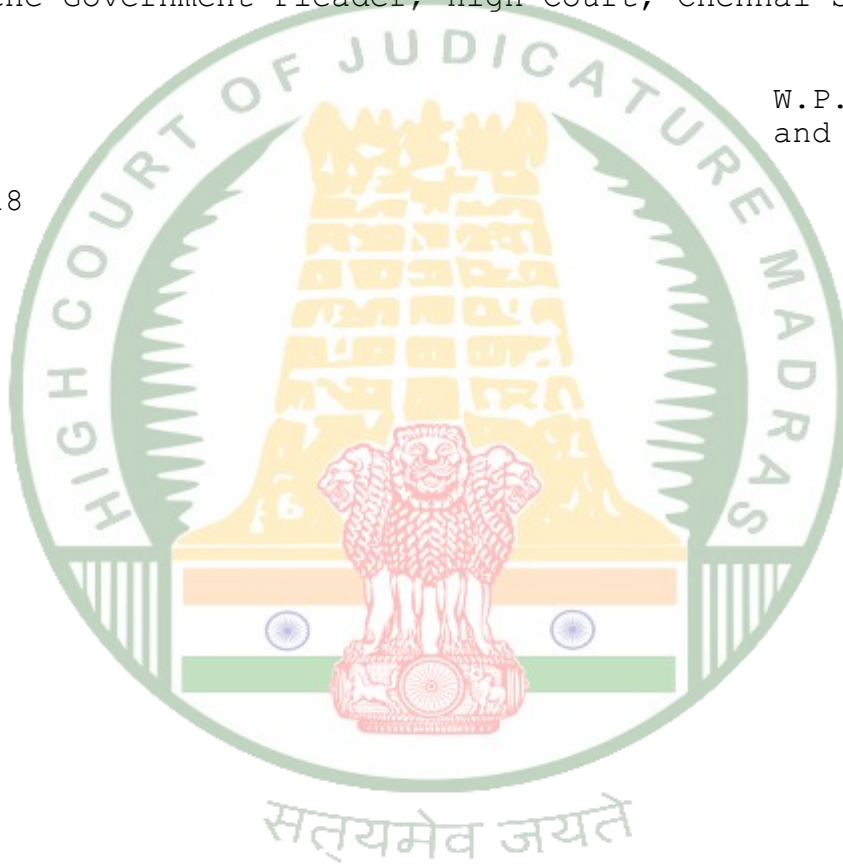
To

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2. The Deputy District of Horticulture,
14, Hazarath Abdul Salam Street,
Khaja Nagar, Trichy - 20.

+1 cc to the Government Pleader, High Court, Chennai SR.NO. 30374

SKV(CO)
JK 18/05/18

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