



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2018

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.20689 of 2018

Packiyalakshmi

... Petitioner

Vs.

1. The District Collector,
Pudhukottai District,
Pudhukottai.

2. The Assistant Director,
Department of Rural Development and Panchayat
District Collector's Office,
Pudhukottai District.

3. The Block Development Officer,
Manamelkudi Panchayat Union,
Manamelkudi,
Pudhukottai District.

4. Satheesh Kumar

... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the respondents 1 to 3 to initiate Departmental proceedings against the 4th respondent in accordance with the Section 3A of the Tamil Nadu Government Service Conduct Rules, 1973 for demanding and receiving dowry from the petitioner by considering the petitioner's representation, dated 01.08.2018.

For Petitioner	: Mr.I.Robert Chandrakumar
For Respondents	: Mr.K.Mu.Muthu
[R1 & R2]	Addl.Govt.Pleader
For Respondent-3	: Mr.M.Pandiarajan

O R D E R

This Writ Petition has been filed praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to initiate Departmental proceedings against the 4th respondent in accordance with the Section 3A of the Tamil Nadu Government Service Conduct Rules, 1973 for demanding and receiving dowry from the petitioner by considering the petitioner's representation, dated 01.08.2018.



2. The case of the petitioner is that she had given a complaint to the All Women Police Station, Pudukkottai, on 22.06.2018 and now the matter is pending before the Social Welfare Officer. According to the petitioner, even though she is very much interested in living with the 4th respondent and that she has got one year child born out of the wedlock, she has been harassed. The petitioner has also drew the attention of this to the order of this Court, dated 1st September, 2017 made in W.P.No.23642 of 2017, wherein this Court directed the 2nd respondent therein to dispose of the representation of the petitioner.

3. In that case, the 4th respondent was not heard. In the present case on hand, as long as a case is made out and that the respondents has convinced about the criminal case after getting materials from the Police, action need not be taken. Merely because a representation has been given by the petitioner against the 4th respondent, that does not mean that the respondent shall be directed to initiate action under the Tamil Nadu Government Servants Conduct Rules, on the ground that there was a demand of dowry. Whether there was a demand of dowry and receipt of dowry or not has got to be decided by the appropriate forum and depending upon the case that has going to be made out, department may not initiate action.

4. This Court on mere sending of a representation on the basis of the complaint that has been given which has gone into the hands of Social Welfare Officer, will not entitle the petitioner to seek for the present Mandamus, directing the respondent to consider the representation, dated 01.08.2018, about demand of dowry and that action need to be initiated in terms of Conduct Rules.

5. In the result, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The District Collector,
Pudhukottai District,
Pudhukottai.

2. The Assistant Director,
Department of Rural Development and Panchayat
District Collector's Office,
Pudhukottai District.



3. The Block Development Officer,
Manamelkudi Panchayat Union,
Manamelkudi,
Pudhukottai District.

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+ 1 CC TO Mr.I.ROBERT CHANDRAKUMAR, ADVOCATE IN SR No. 88619
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 88398

MPK

TE/RSK/SAR-2 : 27/11/2018 : 3P/6C

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