

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.41400 of 2015

ORDER:

This writ petition is filed seeking to issue a writ of certiorari, calling for records pertaining to the petitioner and the order/letter in No.IMED/E-II/PC/BA/2015, dated 23.10.2015 issued by respondent No.2 and to quash the same and consequently to direct the respondents not to cancel any Medical Identity Books pertaining to the petitioner's family.

Heard Sri I.Laxmikantha Rao, learned counsel for the petitioner and Smt.V.Uma Devi, learned standing counsel for the respondents.

It has been contended by the petitioner that he was initially appointed as Sanitary and Malaria Inspector in the respondent Port Trust, that he has married one B.Manemma @ Lavanya on 04.02.1992, that on account of marital disputes, the petitioner has filed a divorce petition before the Family Court, Visakhapatnam in O.P.No.638 of 2002, that initially the said O.P was decreed and an *ex parte* divorce decree was passed in favour of the petitioner on 10.02.2004, and that after the appeal period is over, the petitioner contracted second marriage on 13.05.2004.

It has further been contended by the petitioner that his first wife has filed an application to set aside the *ex parte* decree of divorce and she also sought to transfer the said O.P.No.638 of 2002 pending before the Family Court, Visakhapatnam to the Family Court at Hyderabad, and the same was accordingly transferred to the Family Court at Hyderabad and re-numbered as O.P.No.461 of 2005. Finally, the O.P.No.461 of 2005 preferred by the petitioner was dismissed by the Family Court at

Hyderabad, vide orders dated 04.04.2006. Aggrieved by the same, the petitioner has preferred F.C.A.No.61 of 2006 and the same was dismissed by this court on 09.04.2015.

It is the case of the petitioner that the Medical Identity Books were initially issued by the respondents in favour of his first wife, his parents, children born to his first wife, second wife and the children born to his second wife. The first wife of the petitioner has given a complaint to the respondents requesting to cancel the Medical Identity Books issued in favour of the second wife of the petitioner and delete her name, as the second marriage of the petitioner is to be declared as null and void, as the marriage of the petitioner with the first wife is subsisting. Initially, the respondents had cancelled the Medical Identity Books issued in favour of the second wife of the petitioner, vide proceedings dated 25.06.2015, and consequently the respondents have passed the impugned orders on 23.10.2015 and cancelled the Medical Identity Books in respect of the parents and children of the petitioner. Aggrieved by the same, the present writ petition is filed.

Learned standing counsel for the respondents has contended that since the petitioner has contracted the second marriage during subsistence of the first marriage, he is not entitled for Medical Identity Books and accordingly, the same were cancelled.

This court, having considered the rival submissions made by the parties, is of the considered view that ends of justice would be met if the writ petition can be disposed of without expressing any opinion on the merits of the case, directing the petitioner to submit a detailed representation to the respondents to restore the Medical Identity Books in

respect of his children and parents, within a period of 2 (two) weeks from the date of receipt of a copy of this order, and upon such representation being received from the petitioner, the respondents are directed to consider the same and pass appropriate orders thereon, in accordance with law, within a period of 8 (eight) weeks therefrom.

With these observations, the Writ Petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

Date: 24.04.2018
Dsr

ABHINAND KUMAR SHAVILI, J

