

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.02.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.93 of 2019

H.Sumathi

..Petitioner

vs

1.The Chairman cum
Managing Director,
Chennai Port Trust,
Chennai - 600 001.

2.K.Harikrishnan

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider and dispose the petitioner's representation dated 23.10.2018 made to the first respondent within a stipulated time frame by affording an opportunity to the petitioner of Being Heard.

For Petitioner : Mr.R.Krishnamurthy

For Respondents : Mr.S.Hajamohideen Gisthi
for R1

O R D E R

Complex facts and circumstances arising on account of Matrimonial relationship can never be adjudicated in a writ proceedings under Article 226 of the Constitution of India. All such disputes are to be resolved through the competent Court of Law by producing the documents and by adducing evidences before the respective parties. To establish the legal validity of the marriage, the parties have to approach the competent Court of Law by producing the documents and if necessary, by adducing evidences.

2.In the present case on hand, there is a dispute between the writ petitioner as well as the other wife of the employee.

3.The learned counsel appearing on behalf of the respondent Management states that the writ petitioner is the second wife.

4.The learned counsel for the writ petitioner states that the writ petitioner is the 1st wife.

5.Under these circumstances, the respective parties have to adjudicate the issues before the competent Court of Law and thereafter, if any representation is made, 1st respondent shall consider the same, take a decision with reference to the rules in force.

6.Establishing a legal right is a pre-condition to entertain a writ petition under Article 226 of the Constitution of India. In the absence of establishing any legal right, even for a direction to consider the representation, no writ petition would be entertained by this Court.

7.With these observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The Chairman cum
Managing Director,
Chennai Port Trust,
Chennai - 600 001.

+1cc to Mr.R.Krishnamurthy, Advocate, S.R.No. 15698

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SV(CO)
GN(23/03/2019)