

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 30341 of 2015
and
M.P.Nos.1 and 2 of 2015

K.Ramesh

... Petitioner

Vs

1.The District Collector,
Villupuram District.

2.The Tahsildar,
Ginggee,
Villupuram District.

3.K.Rajeswari

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records relating to the order in R.Dis: 00035/18-08-2015 dated 03/09/2015 passed by the second respondent herein and quash the same.

For Petitioner : Mr.K.M.Ramesh

For Respondents : Mr.C.Kathiravan
Government Advocate
[For R1 and R2]

R3 - Left

O R D E R

The Writ of Certiorari has been instituted to quash the Deserted Woman Certificate, issued in favour of the third respondent by the Tahsildar on 03.09.2015.

2. The petitioner states that the third respondent is his wife. The third respondent obtained a Deserted Woman Certificate from the Tahsildar and after knowing the said fact, the

petitioner submitted a request to the second respondent to cancel the said certificate. However, the second respondent has not initiated any action and therefore, the petitioner filed the present writ petition.

3. The second respondent / Tahsildar conducted an enquiry and narrated the facts in the counter filed. The second respondent has stated that the writ petitioner has hastily approached the Hon'ble High Court and in fact, the petitions dated 25.08.2015 and 04.09.2015 addressed to the District Collector, Villupuram District was referred for conducting enquiry. The Block Development Officer, Gingee was instructed to conduct an enquiry, verify the genuineness of the documents for the issuance of Deserted Woman Certificate in favour of the third respondent. The Correctness of the Certificate was also sought to be verified. On enquiry, it is found that the writ petitioner has filed the writ petition with incorrect facts. The Tahsildar, Gingee Taluk and second respondent have not issued any "Desertion Certificate" under the provisions laid in Section 13 of the Hindu Marriage Act, 1955.

4. The Tahsildar is empowered to issue certificate to a women that she was deserted by her husband only for getting benefits under Social Welfare Security Schemes and for getting priority in employment purpose.

5. Therefore, the impugned certificate is issued for a limited purpose of availing benefit of the Government Schemes, in view of the fact that the petitioner actually deserted the third respondent and admittedly, the petitioner is not living with the third respondent nor maintaining her. It is unfortunate that the petitioner has not even looked after his son, who is born out of the wedlock between the petitioner and the third respondent. Therefore, the contentions raised by the petitioner is not only false, but also not based on any documents. The authorities competent conducted a field enquiry and based on the field enquiry, the Deserted Women certificate was issued for the purpose of availing the benefits under the Social Welfare Schemes of the Government and to avail other benefits. Paragraph 10 of the Counter affidavit, which is relevant, is extracted hereunder:

"10. It is humbly submitted that the field enquiry report submitted by Revenue Inspector reveals the following. (i) Fifteen years before the third respondent herein, i.e. Tmt.Rajeswari and the Writ Petitioner herein, i.e. Tr.Ramesh, have entered into marriage life. (ii) They lived together for about six year only and they got an made child, now he is studying 9th Std. (iii) They are living separately

since the last 09 years, due to the misunderstanding raised between them. (iv) After their separation, the third respondent is residing with her father in Melpappambadi Village, Gingee Taluk and the Writ Petitioner herein stayed with his parents itself in Sirukadambur Village, Gingee Taluk. (v) The third respondent and his son are leading their life with the help of the marginal income earned by doing agricultural labour works. (vi) The Writ Petitioner is not aiding them and there is no communication between them. (vii) The third respondent herein has planned to apply for the post of Cook in Noon Meal Centre, Melpappambadi Village, Gingee Taluk. (viii) Above all, the Writ Petitioner is now living with another married women with affair. (ix) The third respondent herein is a innocent women belongs to down trodden community. She doesn't have knowledge about registration of marriage, decree of divorce, etc.,"

6. In the above paragraph, the Tahsildar / second respondent has stated that the writ petitioner is now living with another married women with affair. Further, he said that the third respondent is a innocent women belongs to down trodden community and she doesn't have knowledge about registration of marriage, decree of divorce, etc., By suppressing all these facts, the petitioner has willfully filed the writ petition, preventing the third respondent from getting job opportunity by utilizing the Deserted women certificate.

7. The very approach and conduct of petitioner is to be deprecated. Admittedly, the petitioner is not living with the third respondent for more than 10 years. The third respondent approached the competent authorities and the authorities after conducting enquiry, issued the Deserted woman certificate for the purpose of availing the Government benefits. The petitioner has challenged the same, knowing the fact that he is not maintaining either his wife / third respondent or his son. Such a conduct of her husband can never be approved and the personal vengeance taken in these matters can never be tolerated by the writ Court. This being the factum established, the petitioner is not entitled for any relief.

8. This Court is of the considered opinion that the petitioner has approached this Court with incorrect and false facts and based on certain personal vengeance and with a motive to prevent the third respondent from availing some welfare schemes from the Government.

9. This being the conduct of the petitioner established in this writ petition, this Court is of the considered opinion that

the case on hand is a fit case for imposing costs. Consequently, the writ petition stands dismissed with a cost of Rs.10,000/- (Rupees Ten Thousand only) to be paid to the third respondent within a period of four weeks from the date of receipt of the copy of this order. The respondents 1 and 2 are directed to recover the cost amount of Rs.10,000/- from the petitioner within a period of four weeks from the date of receipt of a copy of this order and hand over the said costs to the third respondent. If the petitioner fails to pay the cost amount of Rs.10,000/-, then the cost amount is to be recovered from the petitioner by invoking the provisions of the Revenue Recovery Act. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nti/kak

To

1.The District Collector,
Villupuram District.

2.The Tahsildar,
Ginggee,
Villupuram District.

W.P.No. 30341 of 2015

MG (CO)
PR (22/11/2021)