



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.09.2021

Coram

The Honourable Mr.Justice R.MAHADEVAN

W.P.No.34675 of 2016

S.Selvam

...Petitioner

Versus

1. The Member Secretary,
Tamil Nadu State Commission for Women,
No.735, Anna Salai,
Chennai - 600 002.
2. The District Social Welfare Officer,
Cuddalore.
3. Anbuselvi

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to consider the representation of the petitioner dated 16.02.2016 for cancellation of the certificate obtained by the third respondent.

For Petitioner	:	Mr.N.Umapathi
For Respondent - 1:		No Appearance
Respondent - 2	:	Mr.G.Krishnaraja, Government Counsel
Respondent - 3	:	Mr.D.Ashok Kumar

O R D E R

The relief sought by the petitioner in this writ petition is to direct the first respondent to consider his representation dated 16.02.2016 for cancellation of the certificate obtained by the third respondent.



2. According to the petitioner, he married the third respondent on 09.09.2013, as per the Hindu rites and customs. From the day one of their marriage, the third respondent refused to have physical relationship with the petitioner, stating that she would complete MA degree and achieve a lot in sports, so as to get a Central Government job. While so, on 28.04.2015, at around 9.30 p.m, when the petitioner forcibly tried to have physical relationship with the third respondent, he came to know that she is a transgender and she obtained sports certificate under the woman category. Therefore, he lodged a complaint on 14.11.2015 before the Inspector of Police, Thittakudi for taking action against the third respondent and her parents, which was registered as FIR in Crime No.135/15, for the alleged offences under Section 420 IPC. Thereafter, no action was taken on the said complaint. Hence, the petitioner made a representation dated 16.02.2016 before the first respondent, requesting to take proper action against the third respondent and cancel the certificate obtained by her. On 21.04.2016, the first respondent forwarded the said representation to the second respondent for appropriate action. Even thereafter, no steps have been taken on the same, which compelled the petitioner to file this writ petition for the aforesaid relief.

3. Heard both sides and perused the materials placed before this Court.

4. Considering the limited relief sought by the petitioner, this Court, without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 16.02.2016 and pass appropriate orders on merits and in accordance with law, preferably, within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to all the parties concerned.

5. This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

mrr



To

1. The Member Secretary,
Tamil Nadu State Commission for Women,
No.735, Anna Salai,
Chennai - 600 002.

2. The District Social Welfare Officer,
Cuddalore.

+1cc to M/s.N.Umapathi, Advocate, S.R.No.46436

+1cc to the Government Pleader, S.R.No.47237

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VSN-II (CO)
SU(05/10/2021)