



W.P.No.32135 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32135 of 2014

And

M.P.Nos.1 and 2 of 2014

Gopalakrishnan

... Petitioner

Vs.

1.The District Collector,
Chennai District,
Chennai.

2.The Tashildar,
Ayanavaram Zone,
Chennai – 600 023.

3.Subbulakshmi

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the proceedings of second respondent in A 5/8601/2014 dated 14.10.2014 and 30.10.2014 and quash the same.

For Petitioner : Ms.L.Srileka

For Respondents : Mr.U.Baranidharan for R1 and R2
Additional Government Pleader
Mr.R.Amardeep for R3
for M/s.Tamizh Law Firm



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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records relating to the proceedings of second respondent in A 5/8601/2014 dated 14.10.2014 and 30.10.2014 and quash the same.

2.The case of the petitioner is that the petitioner married one Sasikala and out of the wedlock, two children were born to them. Thereafter, the said Sasikala passed away due to ill ailment and at the compulsion of the friends and relatives, the petitioner married the third respondent on 04.05.2001. After marriage, the third respondent came to Chennai along with the petitioner, however, thereafter there was no compatibility inbetween them and within three months, she deserted the petitioner. Thereafter, the petitioner filed divorce petition in H.M.O.P.No.35 of 2003 before the I Additional Family Court at Chennai.

3.The further case of the petitioner is that the third respondent filed transfer petition before this Court and obtained stay and since both of them did not pursue the matter, the case got dismissed. The



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third respondent also filed maintenance case against the petitioner in M.C.No.10 of 2003 before the Judicial Magistrate Court at Thirumangalam and the same came to be dismissed. Thereafter, the third respondent filed Crl.R.P.No.8 of 2005 before the Principal Sessions Court at Madurai and the learned Principal Sessions Judge allowed the revision and directed the petitioner to pay a sum of Rs.750/- per month as maintenance to the third respondent.

4.The further case of the petitioner is that thereafter the third respondent filed Crl.M.P.No.2894 of 2006 to execute the order passed in Crl.R.P.No.8 of 2005. Due to ill health the petitioner was not able to participate in the proceedings and the same ended in favour of the third respondent. Since the petitioner did not pay the amount, the arrears of maintenance amounted to Rs.2,06,625/- and hence, the third respondent obtained Form No.19 before the Judicial Magistrate Court at Thirumangalam and thereafter the impugned proceedings came to be passed under Revenue Recovery Act. Hence, this writ petition.

5.The learned counsel appearing for the petitioner, on



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instructions, submitted that the petitioner is ready to deposit the

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amount of Rs.2,06,625/- to the credit of Crl.R.P.No.8 of 2005 before the Principal Sessions Court at Madurai, however, this Court may permit the petitioner to file a clarification petition before the Principal Sessions Court at Madurai in Crl.R.P.No.8 of 2005.

6.In view of the above, this Court directs the petitioner to deposit a sum of Rs.2,06,625/- [Rupees Two Lakhs Six Thousand Six Hundred And Twenty Five Only] to the credit of Crl.R.P.No.8 of 2005 before the Principal Sessions Court at Madurai, within a period of six weeks from the date of receipt of a copy of this order. The Principal Sessions Court at Madurai, is directed to calculate the pending maintenance amount in favour of the third respondent and to pass appropriate orders. If the petitioner fail to deposit the amount as directed by this Court, liberty is granted to the respondents 1 and 2 to proceed as against the petitioner under the Revenue Recovery Act, to recover the amount from the petitioner. Liberty is granted to the petitioner to file appropriate petition, if it is necessary, before the Principal Sessions Court at Madurai.



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7.In the above terms, the impugned proceedings of the second

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respondent in A 5/8601/2014 dated 14.10.2014 and 30.10.2014 are set aside.

8.The writ petition is accordingly allowed in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

1.The District Collector,
Chennai District,
Chennai.

2.The Tashildar,
Ayanavaram Zone,
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