



WEB COPY

W.P.No.426 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

**W.P.No.426 of 2023 &
W.M.P.No.384 of 2023**

R.Mythili

... Petitioner

VS.

1.The Commissioner of Police (Traffic),
O/o. The Commissioner of Police,
132, E.V.K.Sampath Salai,
Vepery,
Chennai - 600 007.

2.The Joint Commissioner of Police (Traffic),
132, E.V.K.Sampath Salai,
Vepery,
Chennai - 600 007.

3.The Deputy Commissioner of Police (Traffic),
Anna Nagar Range,
Thirumangalam,
Chennai - 600 040.

4.A.Rajasekar

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for



writ of Mandamus directing the first respondent herein to consider the representation of the petitioner dated 06.09.2022 and pass necessary orders after enquiring the petitioner and the fourth respondent with respect to the petitioner's maintenance claim, within the time that may be fixed by this Court.

For Petitioner : Mr.P.Mani

For Respondents : Ms.P.Vijaya Devi,
Government Advocate for R1 to R3

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the first respondent to consider the petitioner's representation dated 06.09.2022.

2. Ms.P.Vijaya Devi, learned Government Advocate accepts notice on behalf of the respondents 1 to 3. Since no adverse orders are passed against the fourth respondent, notice to the fourth respondent is dispensed with. By consent of both the parties, this writ petition is taken up for final disposal in the admission stage itself.

3. The grievance of the petitioner in this writ petition is that the fourth respondent who was her husband, is going to retire shortly, in which event, he will be getting his retirement benefits which will be detrimental to the interest



of the petitioner. According to the petitioner, there is a matrimonial dispute pending between the petitioner and the fourth respondent. The petitioner contends that the fourth respondent had obtained an ex parte divorce decree against her. According to her, she has also filed an application seeking to set aside the ex parte divorce decree which is pending consideration by the Family Court. She also claims that a maintenance claim has also been initiated against the fourth respondent which is also pending. According to her, if the retirement benefits are paid to the petitioner, she will be unable to recover the amount granted in the future by the Court towards her maintenance claim. In the aforementioned circumstances, the petitioner has given a representation on 06.09.2022 to the first respondent requesting the first respondent not to disburse the retirement benefits to the fourth respondent. Since the representation has not been considered till date, the petitioner has filed this writ petition.

4. Heard Mr.P.Mani, learned counsel for the petitioner and Ms.P.Vijaya Devi, learned Government Advocate appearing for the respondents 1 to 3.

5. No prejudice would be caused to the respondents, if the petitioner's representation as stated supra is considered on merits and in accordance with



law, after giving due notice to the fourth respondent about the petitioner's representation. However, this Court is not expressing any opinion on the merits of the petitioner's claim. It is for the respondents to consider and decide the same.

6. For the foregoing reasons, this Court directs the third respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 06.09.2022 requesting the official respondents not to disburse the retirement benefits to the fourth respondent, after giving due notice to the fourth respondent about the petitioner's representation within a period of twelve weeks from the date of receipt of a copy of this Order.

7. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

09.01.2023

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Index:Yes/No

Internet:Yes/No

Speaking/Non-speaking orders

Neutral citation: Yes/No



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ABDUL QUDDHOSE, J.
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