



WEB COPY



W.P.No.24166 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.24166 of 2023

T.Ganapathi

... Petitioner

Vs

1. The Director General of Police,
Office at Director General of Police,
Dr.Rathakrishnan Salai, Mylapore, Chennai – 4.

2. Poonkulali

... Respondents

Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 14.03.2023 and take action against the Poonkulali [P.S. No.18678] who was working as Special Sub Inspector, H-1, Washermenpet Traffic Police Station for violating Section 494 of IPC and Rule 23 of Tamil Nadu Subordinate Police Officers' Conduct Rule 1964 within the time fixed by this Court.

For Petitioner : Mr.V.Gunasekar



W.P.No.24166 of 2023

WEB COPY

For Respondents : Mr.V.P.R.Elamparithi
Additional Government Pleader – R1

ORDER

This Writ Petition has been filed to direct the first respondent to consider the representation of the petitioner dated 14.03.2023 and take action against the second respondent, Poonkulali [P.S. No.18678] who was working as Special Sub Inspector, H-1, Washermenpet Traffic Police Station for violating Section 494 of IPC and Rule 23 of Tamil Nadu Subordinate Police Officers' Conduct Rule 1964 within the time fixed by this Court.

2. The case of the petitioner is that the second respondent is his wife and she is also working in the police department. However, there is marital discard between them. Therefore, the petitioner filed H.M.O.P.No.81 of 2021 on the file of the Sub Court, Kallakurichi for restoration of conjugal rights and the same is pending. When the matter stood thus, the petitioner got information under Right to Information Act and came to know that his wife has applied for maternity leave.



W.P.No.24166 of 2023

According to the petitioner, his wife married second time. Hence, seeks a direction to take action against the second respondent.

At the outset, this Court is of the view that merely on the basis of some information obtained under Right to Information Act, which relates to matrimonial issue, it cannot be presumed that second marriage has happened to the second respondent. The same has to be proved in the manner known to law and it cannot be gone into in this Writ Petition. Hence, I do not find any merits in this Writ Petition.

Accordingly, this Writ Petition is dismissed. No costs.

17.08.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

The Director General of Police,
Office at Director General of Police,
Dr.Rathakrishnan Salai, Mylapore, Chennai – 4.



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N.SATHISH KUMAR, J.

VTC

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