



WEB COPY



W.P.No.72 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.72 of 2022
and
W.M.P.No.64 of 2022

K.Thillaiammal

... Petitioner

Vs.

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai.

2.The Superintendent of Police,
SP Office, Manjakkuppam,
Cuddalore – 607 001.

3.The Inspector of Police,
Puthpet Police Station,
Panruti, Cuddalore District.

4.M.Kangaraj

5.K.Jhansi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 to initiate disciplinary action against the 4th respondent, for his grave misconduct committed, violating Rule 23 of the Tamil Nadu Subordinate Police Officer's Conduct Rules, 1964 and by considering the petitioner's



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representation dated 24.07.2021, within a time frame, after affording due opportunity of hearing to the petitioner.

For Petitioner : Mr.R.Harikrishnan
for M/s.McGAN Law Firm

For R1 to R3 : Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

This writ petition has been filed to direct the respondents 1 to 3 to initiate disciplinary action against the 4th respondent, for his grave misconduct committed, violating Rule 23 of the Tamil Nadu Subordinate Police Officer's Conduct Rules, 1964 and by considering the petitioner's representation dated 24.07.2021, within a time frame, after affording due opportunity of hearing to the petitioner.

2.It is the case of the petitioner that she got married to the 4th respondent in the year 1995 and they were blessed with a male child. The 4th respondent is now working as Special Sub-Inspector of Police, Puthpet Police Station, Panruti Taluk, Cuddalore District. While the petitioner being the legitimate wife of the 4th respondent, it is contended by the petitioner that the 4th respondent had contracted second marriage with the



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5th respondent, by suppressing the earlier marriage with the petitioner.

Therefore, the petitioner made a representation to the 1st respondent to initiate disciplinary proceedings against the 4th respondent for having violated Rule 23 of the Tamil Nadu Subordinate Police Officer's Conduct Rules, 1964. The petitioner has filed this writ petition seeking positive directions to the respondents 1 to 3 to initiate disciplinary action against the 4th respondent based on the petitioner's representation.

3.Learned counsel for the petitioner submitted that the educational certificates and other documents of the son born out of the wedlock between the petitioner and the 4th respondent show the name of 4th respondent as his father.

4.On the other hand, learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the petitioner has not even established her marriage with the 4th respondent.

5.On a perusal of the entire materials available on record, this Court is of the view that, unless the first marriage alleged by the petitioner is established, this Court cannot direct the respondents to initiate



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disciplinary proceedings against the 4th respondent, merely based on the assertions made by the petitioner in her affidavit. It is for the petitioner to first establish the marriage between her and the 4th respondent before the competent Court of Law. At least, the petitioner could have initiated criminal prosecution against the 4th respondent for the alleged second marriage with the 5th respondent. Disputed facts can be decided only through a proper trial, but not in a writ petition.

6.In such view of the matter, this Court is not inclined to pass any positive direction in this writ petition. However, the petitioner is at liberty to work out her remedy before the appropriate forum in accordance with law, in order to establish that she is the legitimate wife of the 4th respondent.

7.With this liberty, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

11.07.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

<https://www.mhc.tn.gov.in/judis>



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To
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N. SATHISH KUMAR, J.
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