



W.P(MD)No.20258 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.20258 of 2023

Jayamala

... Petitioner

Vs

1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2.The District Social Welfare Officer,
Office of the District Social Welfare Department,
Tiruchirappalli District,
Tiruchirappalli.

3.The Inspector of Police,
All Women Police Station,
Ponmalai,
Tiruchirappalli.

4.VadamaliChanduru

5.Ayyamperumal

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 & 2 to dispose of the petitioner's representation



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dated 12.08.2023 pending before the respondents 1 to 3 with regard to the illegal marriage of the respondents 4 & 5 within a time frame as fixed by this Court.

For Petitioner	:Mr.P.Balasubramanian
For R1 & R2	:Mrs.D.Farjana Ghoushia Special Government Pleader
For R3	:Mr.P.Kottaichamy Government Advocate

ORDER

The petitioner with a grievance that the fourth respondent/the husband of the petitioner is attempting to marry a minor girl has submitted a representation before the respondents 1 to 3 and filed this writ petition for a Mandamus, directing the respondents to consider her representation.

2.Mrs.D.Farjana Ghoushia, learned Special Government Pleader, who takes notice for the respondents 1 & 2 based on the written instructions from the second respondent/the District Social Welfare Officer, Tiruchirappalli submits that the representation of



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the petitioner was considered. An enquiry was conducted and during the enquiry, the fourth respondent has produced a decree in HMOP No.371 of 2022, dated 17.10.2022 that the marriage between the petitioner and the fourth respondent has already been dissolved by the Family Court, Trichy. She further submits that though the decree granted by the Family Court was an exparte decree, the petitioner has not taken any steps to set aside the exparte decree and as on date, the marriage between the petitioner and the fourth respondent is not in existence. The enquiry further reveals that the fourth respondent is attempting to marry a minor girl on 21.08.2023 and necessary action has been taken to stop the marriage and it was done. The minor girl has been secured and safely sent along with her parents.

3.The learned counsel appearing for the petitioner submits that the petitioner has filed a petition on 18.07.2023 before the Family Court, Trichy to set aside the exparte decree passed in HMOP No.371 of 2022 and the same is pending in SR stage in SR.No.6390 of 2023.



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4.Recording the submissions made by the learned Special Government Pleader and the petitioner's counsel, this writ petition is disposed of with a liberty to the petitioner to work out her remedy before the Family Court, Trichy. Since the petitioner has filed a petition in SR.No.6390 of 2023 to set aside the exparte decree passed in HMOP No.371/2022, there shall be a direction to the learned Judge, Family Court, Trichy to number the application, if it is in order and pass necessary orders as expeditiously as possible.

21.08.2023

NCC :Yes/No
Index :Yes/No
Internet:Yes
vrn



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Tiruchirappalli District,
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- 3.The Inspector of Police,
All Women Police Station,
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Tiruchirappalli.
- 4.The Family Court,
Trichy.



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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.20258 of 2023

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21.08.2023