



WEB COPY



W.P.No.8385 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.8385 of 2021

V.Amudha

... Petitioner

Vs.

1. The District Collector,
Chengalpattu District,
Chengalpattu.

2. Ilayarasi

(R2 impleaded vide order dated 21.07.2022 made in
WMP.18210/2022 in WP.8385/2021 by AQJ)

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondent to take necessary steps to realize the amount of Rs.7,75,000/- (Rupees Seven Lakhs Seventy five thousand only) as on August 2015 of the fine as arrears of land revenue from the movable or immovable properties of both Vidhyasagar and Father - in- law Mr.Arockiyasamy along with interest as per the letter in D.No. 643/ 2017 dated 04.05.2017 of the learned Judicial Magistrate, Madurantakam on the basis of the representation of the petitioner dated 13.12.2020.



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For Petitioner : Mr.D.Ashok Kumar
For Respondents : Mr.T.Arun Kumar,
Additional Government Pleader (for R1);
Mr.R.Ganesh Kumar (for R2)

ORDER

The writ of mandamus has been filed to direct the respondents to take the necessary steps to release the amount of Rs.7,75,000/- (Rupees Seven Lakhs Seventy five thousand only) as on August 2015 of the fine as arrears of land revenue from the movable or immovable properties of both Vidhyasagar and Father - in- law Mr.Arockiyasamy along with interest as per the letter in D.No. 643/ 2017 dated 04.05.2017 of the learned Judicial Magistrate, Madurantakam on the basis of the representation of the petitioner dated 13.12.2020.

2. The petitioner states that the marriage between the petitioner and late Mr.A.Vidhyasagar was solemnised on 27.06.2002 as per Christian rites and custom at St.Joseph Church in Chengalpattu. The husband of the petitioner late Mr.A.Vidhyasagar died on 3.11.2016. The petitioner filed a petition before the learned Judicial Magistrate, Madurantagam under the



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provisions of the “Protection of Women from Domestic Violence Act”.

The learned counsel for the petitioner would submit that the judicial Magistrate Madurantagam, in C.M.P. No.6031 of 2011, passed an order in favour of the writ petitioner. The said order was not implemented thus, the petitioner approached the District Collector. Since the District Collector also failed to initiate an action to realise the amount, as per the orders of the Judicial Magistrate, the present writ petition came to be instituted.

3. Learned counsel for the second respondent would oppose by stating that the petitioner is the second wife of the deceased Mr.A.Vidhyasagar. The first wife of Mr.A.Vidhyasagar i.e., Tmt.Selvi, along with her children is residing at Mumbai. A Civil Suit for partition has been instituted in O.S.No.8 of 2017, now pending on the file of the Principle District Judge Chengalpattu. It is not in dispute that all the parties are either plaintiffs or the defendants in the Civil Suit, in O.S.No.8 of 2017. The status of the petitioner is to be declared with reference to the allegations that she is the second wife of the deceased Mr.A.Vidhyasagar. Thus, the civil rights involved are to be adjudicated in the manner known to law.



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4. Since the Civil Suit in O.S.No.8 of 2017 is pending, the petitioner is at liberty to work out her remedy in the manner known to law in the pending suit.

5. With this liberty, the writ petition stands disposed of . However, there shall be no order as to costs.

05.02.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

The District Collector,
Chengalpattu District,
Chengalpattu.



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S.M.SUBRAMANIAM. J.,

(sha)

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