



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-02-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WEB COPY

WP No.23027 of 2021

Mr.R.Purushothaman

.. Petitioner

-VS-

- 1.The District Collector,
Office of the Collector,
Chennai.
- 2.The Protection Officer,
District Social Welfare Office,
District Collector Office,
Chennai.
- 3.The Social Welfare Officer,
District Social Welfare Office,
District Collector Office,
Chennai.
- 4.Mr.K.Muralikrishnan
- 5.Mrs.M.Susila



6.Mr.M.Prasad

7.Mrs.P.Priya

.. Respondents

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Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to direct the second and third respondents to call and hold enquiry with the fourth to sixth respondents for not permitting the petitioner to lead matrimonial life with the seventh respondent based on Family Court order in OP No.1207 of 2013 dated 06.11.2015 and to take suitable action on fourth to sixth respondents.

For Petitioner	:	Mr.I.Arockia Selvaraj
For Respondents-1 to 3	:	Mr.T.Arunkumar, Additional Government Pleader.
For Respondents-5 and 7:	:	No Appearance
For Respondents-4 and 6:	:	Not Ready in Notice

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to with the fourth to sixth respondents for not permitting the petitioner to lead matrimonial life with the seventh respondent based on



Family Court order in OP No.1207 of 2013 dated 06.11.2015 and to take suitable action on fourth to sixth respondents.

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2. The petitioner states that the marriage between him and the seventh respondent was solemnised on 03.06.2011. A female child, from and out of their wedlock, was born to them on 29.02.2012.

3. On account of misunderstanding, the petitioner and the seventh respondent are living separately. OP No.1207 of 2013 came to be filed on the file of the Family Court for restitution of conjugal rights, which was allowed on 06.11.2015. In spite of the orders of restitution, the seventh respondent has not resumed the matrimonial home. Thus the present writ petition came to be instituted.

4. The matrimonial disputes cannot be resolved in the writ proceedings under Article 226 of the Constitution of India. Non-implementation of the order passed under Section 9 of the Hindu Marriage Act, for restitution would provide no cause to entertain the present writ petition. Non-compliance of the restitution order may be granted to seek



divorce under the Hindu Marriage Act, but cannot be a ground to file a writ petition seeking direction against the respondents.

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5. The relief as such sought for in the present writ petition is absolutely misconceived and the present writ petition is not entertainable. The petitioner is at liberty to redress his grievances, if any exists, before the Competent Court of Law.

6. With the above liberty, the present writ petition stands dismissed. However, there shall be no order as to costs.

08-02-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

1.The District Collector,



Office of the Collector,
Chennai.

2. The Protection Officer,
District Social Welfare Office,
District Collector Office,
Chennai.

3. The Social Welfare Officer,
District Social Welfare Office,
District Collector Office,
Chennai.

S.M.SUBRAMANIAM, J.

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