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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.08.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.23315 of 2024
and WMP No.25469 of 2024

A.N.Kumar

... Petitioner

Vs.

1. The District Revenue Officer,
Thiruvallur

2. The District Manager,
TASMAC, Thirumazhisai,
Kancheepuram District,
Thiruvallur District.

3. K.Shalini

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records connected with the proceedings issued in RC No.20459/2019/A3 dated 31.07.2024 passed by the 1st respondent.



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For Petitioner : Mr.S.Illamvaludhi

For Respondents : Mrs.V.Yamuna Devi
Special Government Pleader
for R1
Mr.K.Balakrishnan
Standing Counsel for R2

ORDER

This writ petition has been filed challenging the proceedings of the 1st respondent in RC No.20459/2019/A3 dated 31.07.2024 passed by the 1st respondent.

2. Heard Mr.S.Illamvaludhi, learned counsel for the petitioner and Mrs.V.Yamuna Devi, learned Special Government Pleader for 1st respondent and Mr.K.Balakrishnan, learned Standing Counsel for 2nd respondent.

3. The petitioner is aggrieved by the impugned proceedings dated 31.07.2024, issued by the District Revenue Officer, Thiruvallur whereby the District Manager was instructed to recover a sum of Rs.30,000/- per month from the salary of the petitioner from July 2024 onwards and send it to the Court of Judicial Magistrate, Ambattur by way of cheque pursuant to the order passed by



the learned Judicial Magistrate, Ambattur dated 20.09.2022.

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4. The learned counsel for the petitioner emphasised the fact that the learned Magistrate was directed to dispose of the main case itself within a period of six months and whereas, the learned Magistrate without disposing of the main case, has chosen to pass an interim order of maintenance by fixing a sum of Rs.20,000/- payable by the petitioner. The learned counsel submitted that such order passed by the learned Judicial Magistrate without disposing of the main case is in violation of the order passed by this Court in Crl OP No.31723 of 2019 dated 04.09.2020. Hence, it was contended that the order passed the learned Magistrate and the consequential order passed by the District Revenue Officer, Thiruvallur dated 31.07.224 is illegal.

5. In the considered view of this Court, the 1st respondent has merely complied with the order passed by the learned Magistrate in CMP No.1270 of 2022 in CMP No.4563 of 2019 in DVC No.16 of 2019 dated 20.09.2022. It is seen from records that the petitioner has already filed an appeal before the Sessions Court and the case is coming up for hearing on 28th of this month.



Hence, if at all there is any grievance, the petitioner must only work out his remedy before the Sessions Court by questioning the order passed by the Magistrate. The impugned order that has been put to challenge in the present writ petition is merely a consequence of the order passed by the learned Magistrate. Without the main order being modified / suspended, no useful purpose will be served in questioning a consequential order passed by the 1st respondent. If this Court interferes with the order passed by the 1st respondent dated 31.07.2024, it will indirectly amount to staying the order passed by the learned Magistrate, which is beyond the scope of this writ petition.

6. In the light of the above discussion, it is always left open to the petitioner to seek for the suspension / modification of the order passed by the learned Judicial Magistrate, Ambattur in the appeal that is presently pending before the III Additional District and Sessions Court, Poonamallee in Crl A No.53 of 2022. Except giving this clarity, no further orders can be passed in this writ petition. Subject to the orders passed by the Sessions Court, the same can be followed up with the 1st respondent.



7. This writ petition is disposed of in the above terms. No costs.

Consequently, the connected miscellaneous petition is closed.

12.08.2024

Internet : Yes/No

Index : Yes/No

Speaking Order / Non Speaking Order
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Note : Issue order copy on 13.08.2024.

N. ANAND VENKATESH, J.



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- To
1. The District Revenue Officer,
Thiruvallur
 2. The District Manager,
TASMAC, Thirumazhisai,
Kancheepuram District,
Thiruvallur District.

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