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W.P.No.34992 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.01.2024

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.34992 of 2023

S.Thillaiappan

... Petitioner

Vs.

1.Ministry of External Affairs
Government of India,
J674+54V, E Block, Central Secretariat,
New Delhi, Delhi 110001

2.C.V.Deepak,
Airport Director
Chennai International Airport,
Chennai-600 027

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to consider and dispose the Petitioner's representation dated 17.11.2023 and directing the Respondents to intervene in a matter of great personal significance with Petitioner's wife S.Rajalakshmi Santhakumar (Passport Number: N3942726) who left India on September 15, 2022 and is currently residing in the USA along with the Petitioner's minor child Aadhav Thillaiappan within a stipulated time as prescribed by this Court.

For Petitioner : Ms.J.Swetha
for Mr.G.Vadivel



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ORDER

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The petitioner seeks a mandamus directing the respondents to dispose his representation dated 17.11.2023 to intervene in a matter of 'great personal significance'.

2.The respondents array as R1, the Ministry of External Affairs and as R2, the Airport Director of Chennai International Airport, by name. In my view, this writ petition and the prayer sought are misconceived for the reason that the petitioner and his wife S.Rajalakshmi are pursuing HMOP.No.229 of 2022 seeking dissolution of their marriage.

3.The HMOP has been filed by the wife and the petitioner states that he is pursuing the matter. He has filed an interim application in I.A.No.2 of 2023 seeking custody of their minor child Aadhav Thillaiappan. The HMOP and Interim application are pending before the Sub Court, Tambaram.

4.In light of the fact that the parties are before the Family Court, no direction as sought for can be issued by this Court, that too, in the absence of the wife who, incidentally has not even been arrayed as a respondent. It would thus be appropriate for the petitioner to pursue the matter before the Family Court and in order to aid the process, the Presiding Judge, Sub Court,



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Tambaram is directed to take up Interim Application in I.A.No.2 of 2023 in HMOP.No.229 of 2022 for hearing and disposal expeditiously.

5. There is thus a direction to the Presiding Judge, Sub Court, Tambaram to issue notices to the parties concerned hear them and dispose the interim application within a period of twelve (12) weeks from date of first hearing of the matter. This writ petition is dismissed with the directions as above. No costs.

02.01.2024

vs

Index : Yes/No

Speaking order

Neutral citations: Yes

To

Ministry of External Affairs
Government of India,
J674+54V, E Block, Central Secretariat,
New Delhi, Delhi 110001



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Dr.ANITA SUMANTH,J.

VS

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