



W.P.(MD) No.8446 of 2007

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.8446 of 2007
and
M.P(MD)No.1 of 2007**

Marudhachalam(died)

2.M.Senthilkumar
3.M.Sivakumar
4.Rukmani Devi

... Petitioners

(P2 to P4 are impleaded vide Court order
dated 04.09.2023 in W.M.P(MD)No.18003 of
2023 in W.P(MD)No.8446 of 2007 by SSSRJ
and DBCJ)

-vs-

1.The Deputy Commissioner of Police,
Law and Order,
Tiruchirapalli.

2.Assistant Commissioner of Police,
Law and Order,
Cantonment Circle,
Tiruchirapalli.

3.Neelavathy @ Neela
4.Shanmugam

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the proceedings passed by the first respondent in No:PR.No.H1/49/2004 under Rule 3(b) of TNPSS Rules dated 08.10.2007 and quash the same as illegal, arbitrary, void and unconstitutional.

For Petitioner : Mr.S.K.Mani

For R-1 & R-2 : Mr.P.T.Thiraviyam,
Government Advocate

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Challenge in this writ petition is to the punishment imposed on the petitioner in the disciplinary proceedings upon a finding that he is guilty of an offence of bigamy.

2. There was a civil litigation between the two wives of the petitioner in O.S.No.27 of 2000 on the file of the Principal District Munsif Court, Karur, wherein one Neelavathy @ Neela made a claim that she is the legally wedded wife of the petitioner in the writ petition. She termed the fifth defendant in the suit namely Tmt.Pappa is the second wife and claimed that the marriage is invalid. The said suit was decreed granting



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declaration. Aggrieved, the fifth defendant Tmt.Pappa filed an appeal in A.S(MD)No.37 of 2004. The learned appellate Judge found that the petitioner had married twice. But, he has held that the marriage of the fifth defendant preceded the marriage of the plaintiff in the suit. Therefore, the plaintiff is not entitled to declaration. Hence, the suit filed by Neelavathy @ Neela was dismissed. A second appeal was filed by Neelavathy @ Neela in S.A(MD)No.829 of 2006. Today, we have dismissed the appeal for non-prosecution. The fact that the petitioner has married twice, has been affirmed by the civil Court also. Therefore, we do not see any scope for interference with the impugned order of punishment which is impugned in the writ petition. The writ petition fails and it is accordingly dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

[R.S.M., J.]

[L.V.G., J.]

20.08.2024

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

PM



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pm

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