



W.P.(MD).No.3065 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3065 of 2021

R.Prema

...Petitioner

Vs.

1.The Secretary to Government,
Home, Prohibition and Excise
Department,
Fort. St. George,
Chennai-600 009.

2.The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai.

3.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

4.Pooesakki

5.M.Regan Kumar

... Respondents

*(5th respondent is suo-motu impleaded vide court order dated
18.02.2021 made in W.P.(MD)No.3065 of 2021)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the respondents 2



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and 3 to take the departmental action against the 4th respondent considering the petitioner's representation dated 22.10.2020.

For Petitioner	: Mr.N.Pragalathan
For R-1 to R-3	: Mr.D.Gandhi Raj, Special Government Pleader
For R-4	: Mr.K.Navaneetha Raja

ORDER

The present writ petition has been filed by the 1st wife of the suo-motu impleaded 5th respondent seeking direction to the respondents 2 and 3 to take departmental action against the 4th respondent by considering the petitioner's representation dated 22.10.2020.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The respondents 4 and 5 are serving in the Police Department as Police Constables. During the lifetime of the petitioner, the 5th respondent has married the 4th respondent. In view of the same, the petitioner has given a complaint on 21.05.2014 before the Inspector of Police, Surandai Police Station. For which,



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CSR has been registered in CSR No.267 of 2014. On the petitioner's complaint, the 4th respondent appeared before the Police Station and gave a statement that she would not contact with the 5th respondent any further. However, her actions with the 5th respondent was suspicious. Hence, she made a representation dated 22.10.2020, directing the respondents 2 and 3 to take departmental against the 4th respondent. Since the same was not considered by the respondents, the present writ petition came to be filed.

3. The learned Counsel appearing for the 4th respondent submitted that the 4th respondent herself is a victim of the circumstances, where the 5th respondent during the subsistence of the first marriage with the petitioner married her without disclosing the first marriage. That apart, the learned counsel appearing for the 4th respondent submitted that her relationship with the 5th respondent has been consummated and they are blessed with a girl child. Since the 4th respondent herself is a victim, he pressed for dismissal of the writ petition.



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4. Per contra, the learned counsel appearing for the petitioner submitted that during her lifetime, the 4th respondent has married the 5th respondent at her own instigation. In view of the same, necessary departmental action has to be initiated as against the 4th respondent and pressed for allowing the writ petition.

5. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

6. This Court is of the considered view that the 5th respondent has victimized both the petitioner and the 4th respondent by a single act by marrying the 4th respondent during the subsistence of the first marriage with the petitioner. In view of the same, this Court hereby direct the respondents 2 and 3 to take severe departmental action as against the 5th respondent within a period of two (2) weeks from the date of receipt of a copy of this order.



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7. Accordingly, this Writ Petition is disposed of. No costs.

02.04.2024

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

To

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L.VICTORIA GOWRI, J.

Sml

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