



W.P.(MD)No.23802 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.23802 of 2024

and

W.M.P(MD)Nos.20138 and 20139 of 2024

Ramachandran

...Petitioner

-Vs-

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Thasildar,
Sivagangai Taluk,
Sivagangai.

3.Valliammai @ Pavithra

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, calling for records pertains to the impugned notice passed by the 2nd respondent dated 30.07.2024 and quash the same as illegal.

For Petitioner

: Mr.S.Sukumar

For Respondents

: Mr.S.Shanmugavel
Additional Government Pleader
for RR1 & 2
M/s.Dhavam Devi for R3



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ORDER

This writ petition has been filed challenging the order of attachment notice, dated 30.07.2024.

2.The petitioner's son got married with the third respondent on 05.02.2018. Thereafter, they got misunderstanding and they got separated. Thereafter, the third respondent lodged a complaint before the All Women Police Station, Sivagangai and FIR was registered in Crime No.12 of 2020 for the punishable offences under sections 498(A), 294(b), 323 and 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 4 of dowry Prohibition Act, 1961.

3.After completion of the enquiry, the investigating agency filed a charge sheet and the same was taken cognizance in C.C.No.21 of 2021 and it is pending trial on the file of the Additional Mahila Court(Judicial Magistrate), Sivagangai. In the mean while, the third respondent also filed Maintenance Case as against her husband on the ground that she could not maintain herself after separation in M.C.No.26 of 2020 on the file of the Family Court, Sivagangai. The Family Court allowed the maintenance case by an order dated



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27.04.2022 and directed her husband to pay a sum of Rs.8,500/- as monthly maintenance. However, her husband went abroad. Therefore, though warrant has been issued as against him, it could not be executed and it is pending.

4.Further, the third respondent approached this Court in W.P(MD)No. 31262 of 2023 for a direction, directing the Inspector of Police, All Women Police Station, Sivagangai District to issue lookout circular to execute the warrant issued as against the third respondent's husband. That apart, the third respondent also filed a petition for recovery of maintenance amount in in Cr.M.P.No.479 of 2024 in C.C.No.21 of 2021 on the file of the learned Mahila Court(Judicial Magistrate), Sivagangai and ordered to attach the undivided share of the third respondent's husband for recovery of arrears of maintenance amount for the livelihood of the third respondent. Further, the third respondent also approached this Court in CrI.O.P(MD).No.1278 of 2024 and this Court by an order dated 28.02.2024 directed the District Collector to attach the undivided share of the property owned by the family of the third respondent's husband towards payment of arrears of maintenance. Further, directed the police officials to issue lookout notice to secure the third respondent's husband. Accordingly, the Tashildar, Sivagangai District issued notice to attach the vehicle bearing Registration No.TN63-BB-4683 and also directed the



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registering authority not to register any of the property jointly owned by the third respondent's husband.

5.The learned Counsel appearing for the petitioner would submit that part of the shares of the third respondent's husband in the Joint family property can be attached, but the property owned by the petitioner and his wife cannot be attached at any cost. He also produced the details of the joint family property owned by the husband of the third respondent as his shares.

6.In view of the above, the second respondent is directed to attach the share of the third respondent's husband in the joint family property comprising in Survey Nos.38/10, 38/11B, 38/9 and 5/6A under patta No.158.

7.The second respondent is restrained from attaching self owned property of the petitioner and his wife. It is also made clear that the second respondent can very well go ahead with the two wheeler owned by the third respondent's husband.



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WEB COPY 8. With the above said directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

18.11.2024

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

To

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Thasildar,
Sivagangai Taluk,
Sivagangai.



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G.K.ILANTHIRAIYAN. J,

RJR

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