



W.P.(MD).No.23875 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.23875 of 2024

Gerlin Anitha.

... Petitioner

VS

The Tahsildar,
Madurai West Taluk,
Madurai.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondents to issue Deserted Women Certificate to the petitioner by consider the petitioner's online application No.TN-2720240724135 dated 24.07.2024.

For Petitioner : Mr.G.Chezhiyan

For Respondent : Mr.S.Shanmugavel
Additional Government Pleader



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ORDER

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This Writ Petition has been filed for a direction to direct the respondent to issue Deserted Women Certificate to the petitioner on her online application dated 24.07.2024.

2. The petitioner got married with one Noyal Gerald on 22.02.2004. Out of the wedlock, they gave birth to a male child on 01.04.2005. After 2012, the petitioner's husband got separated from the petitioner due to misunderstanding and that apart, the petitioner was living with her parents. In the year 2018, her husband filed a divorce petition in I.D.O.P.No.25 of 2018 before the Family Court, Dindigul. The petitioner had filed a petition to transfer the case to Madurai before this Court in Tr.C.M.P.No.470 of 2018. Since the petitioner was residing at Madurai, this Court, by an order dated 09.01.2019, transferred I.D.O.P.No.25 of 2018 from the Family Court, Dindigul to the Family Court, Madurai. Thereby, the petitioner's husband himself withdrew the divorce petition.

3. It shows that the petitioner was deserted by her husband without



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maintaining her. For the past six years, she is living with her parents without any maintenance by her husband. Admittedly, the petitioner did not lodge any complaint as against her husband, since she hoped that he will come back and take her back to the matrimonial home. In the meantime, the petitioner applied for Deserted Women Certificate to claim the benefits, which she is entitled to.

4. On written instructions, learned Additional Government Pleader submitted that the petitioner made an application through online seeking Deserted Women Certificate without attaching any proof to show that she was deserted by her husband as such, Police complaint, FIR and Court order.

5. Once the Court granted decree of divorce, the petitioner is not come under the category of deserted women and she is not entitled to the Certificate of Deserted Women. Because the petitioner cannot claim compensation in the status of deserted women, after dissolution of the marriage by the competent Court of law. Admittedly, the divorce petition filed by the husband was withdrawn by him. Still the petitioner is in her parents house and her husband did not take any steps to take her back to the matrimonial home. Therefore,



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she is entitled to the Certificate of Deserted Women by the competent authority.

6. In view of the above, the respondent is directed to consider the application submitted by the petitioner and issue certificate to the petitioner as Deserted Women within a period of two weeks from the date of receipt of a copy of this order.

7. With above direction, this Writ Petition is allowed. No costs.

09.12.2024

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

To

The Tahsildar,
Madurai West Taluk,
Madurai.



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G.K.ILANTHIRAIYAN,J.

apd

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