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W.P.No.2874 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2025

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.2874 of 2025

Ammukutty

...Petitioner

Vs

1. The State of Tamilnadu,
Represented by the Director General of Police,
Mylapore, Chennai.
2. The Superintendent of Police,
Villupuram District, Villupuram.

3. Mr.Elangovan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to take appropriate action on the representation made by the petitioner dated 27.12.2024 in accordance with Rule 23 of Tamil Nadu Subordinate Police Officers Conduct Rules 1964 within a time frame fixed by this Court and pass orders.

For Petitioner : Mr.K.C. Karl Marx

For Respondents : Mr.Yogesh Kannadasan, SGP



W.P.No.2874 of 2025

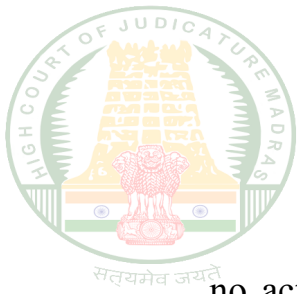
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ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. This petition is filed seeking to issue a Writ of Mandamus directing the Respondents to take appropriate action on the representation made by the petitioner dated 27.12.2024 in accordance with Rule 23 of Tamil Nadu Subordinate Police Officers Conduct Rules 1964 within a time frame fixed by this Court and pass orders.

3. The facts of the case is that the petitioner married the 3rd respondent on 28.09.2012 and due to the said wedlock they are blessed with two children. The husband of the petitioner/3rd respondent is a police constable. The sum and substance of the case is that the 3rd respondent is having illegal intimacy with another girl and ill-treating the petitioner. Hence, the petitioner made a representation to the respondents on 27.12.2024 to take action against the 3rd respondent under Rule 23 of Tamil Nadu Subordinate Police Officers Conduct Rules 1964. However,



W.P.No.2874 of 2025

WEB COPY

no action has been taken by the respondents till date, which has given rise to this petition.

4. The learned counsel for the petitioner submitted that the 3rd respondent filed a divorce petition before the Family Court, Chennai and the same was dismissed for default. He further submitted that due to the said illegal intimacy a child was born to the 3rd respondent, which is evident from the birth certificate of the said child. The birth certificate was also annexed with the representation, inspite of the same the respondents have not taken any action till date. Hence, prays for interference by this Court.

5. The learned Special Government Pleader appearing for the respondent submitted that they have already considered the case of the petitioner and the second respondent has forwarded the representation of the petitioner to the Armed force where the 3rd respondent was transferred. However, they will consider the case of the petitioner and pass orders on merits and in accordance with law.



W.P.No.2874 of 2025

WEB COPY

6. Heard both sides and perused the materials available on records.

7. Considering the facts and circumstances of the case this Court, directs the respondents to consider the petitioner's representation dated 27.12.2024 after conducting an enquiry by affording reasonable opportunity of hearing to the petitioner and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that the concerned authorities are directed to pass appropriate orders after hearing both the parties.

8. With the above observations this writ petition stands disposed of. No order as to costs.

29.01.2025

Index: Yes/No

Speaking order/Non-speaking order
smn

To.

1. The Director General of Police,
Mylapore, Chennai.
2. The Superintendent of Police,
Villupuram District, Villupuram.



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W.P.No.2874 of 2025

V.BHAVANI SUBBAROYAN,J.

Smn

W.P.No.2874 of 2025

29.01.2025