



W.P.(MD).No.565 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.565 of 2025

Stella Florence

... Petitioner

Vs.

1. The State of Tamil Nadu,
The Superintendent of Police,
Kanniyakumari,
Kanniyakumari District.

2. The Treasury Officer,
Kanniyakumari,
Kanniyakumari District.

3. Gnanasighamony

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to share and allot and pay the petitioner the half of the pension money received by the third respondent per month to the petitioner by considering the representation dated 21.08.2024 within a specific period.

For Petitioner : Mr.K.A.Ramakrishnan

For R1 and R2 : Mr.A.Baskaran
Additional Government Pleader



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ORDER

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The instant writ petition has been filed by the wife of the third respondent seeking a Mandamus as against the respondents 1 and 2 to allot 50% of the pension amount of the third respondent as monthly maintenance to the writ petitioner.

2. It could be seen from the writ affidavit that there is a matrimonial dispute between the petitioner and the third respondent herein and there is allegation that the third respondent is not taking care of the writ petitioner. Hence, the petitioner has sent a representation to the respondents 1 and 2 herein on 21.08.2024 seeking her to deduct 50% of the pensionary amount and to pay the same to the petitioner as maintenance.

3. The facts captured above will clearly indicate that the petitioner is seeking maintenance from her husband. Unless a competent civil Court passes an order relating to the entitlement of the writ petitioner and the quantum of maintenance, the authorities cannot be directed to deduct 50% of the pension amount.



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4. In such circumstances, this Writ Petition stands disposed of with liberty to the writ petitioner to approach the competent Court to get appropriate orders. There shall be no order as to costs.

09.01.2025

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

To

1. The Superintendent of Police,
Kanniyakumari,
Kanniyakumari District.
2. The Treasury Officer,
Kanniyakumari,
Kanniyakumari District.



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