



W.P.(MD).No.20174 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.(MD) No.20174 of 2019

S.Thangabai

.. Petitioner

Vs.

1.The District Collector,
Kanyakumari District at Nagercoil.

2.The Revenue Divisional Officer,
Padmanabapuram, Thuckalay,
Kanyakumari District.

3.The Tahsildar,
Kalkulam Taluk,
Thuckalay, Kanyakumari District.

4.V.Chellathangam,
(Night Watchman), Thasildar Office,
Kalkulam Taluk,
Thuckalay, Kanyakumari District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondent Nos.1 to 3 to not to disburse the pension and retirement benefits of the 4th respondent until the arrears of maintenance as per the orders passed by the Judicial Magistrate-II,Kuzhithurai in M.C.No.10 of 2012 dated 26/08/2015 and the subsequent order passed by the learned Principal District Munsif Cum Judicial Magistrate, Eraniel, in



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M.C.No.11 of 2015 dated 06/05/2016 to the petitioner is made by considering the representation of the petitioner, dated 20/08/2019.

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For Petitioner : Mr.S.C.Herold Singh

For R1 to R3 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

This Writ Petition has been filed by the petitioner seeking injunction not to disburse the pension and retirement benefits of the fourth respondent as per the order passed in the maintenance case.

2. Admittedly, the petitioner has obtained an order by invoking Section 125(3) of Cr.P.C., and the said order has been sought to be enforced before this Court by way of the present Writ Petition. She can very well move an application before the concerned Court and seek the very same relief, which would be more effective than filing a petition of this nature seeking an injunction.

3. It is also reported by the learned Additional Government Pleader that the petitioner was superannuated on 30.11.2021 and pensionary benefits have already been disbursed.



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4. The submissions of the learned Additional Government Pleader indicate that the petitioner, before the retirement of her husband, instead of taking action for recovery from the salary, she attempted to get the retirement benefits and since the same has been already settled, no further order is required to be passed in this case.

5. With the above, this Writ Petition is dismissed. No costs.

07.08.2025

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

Indu

To

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Kanyakumari District at Nagercoil.
2. The Revenue Divisional Officer,
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Kanyakumari District.
3. The Tahsildar,
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K.RAJASEKAR,J.

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