



WEB COPY

WP No. 10910 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 10910 of 2026

T.Radhika
W/o P. Thyagarajan and
D/o V. Rajendra Prasad
No 2 Eswari Nagar, Gowriwakkam,
Tambaram, Chennai 601 302.

..Petitioner

Vs

1. The Additional Chief Secretary to Government
Public Works Department
Secretariat, Chennai 600 009.
2. The District Collector
Chennai District
Singaravelar Maaligai
62, Rajaji Salai, Chennai - 600 001.
3. The Chief Engineer
T.N Public Works Department PWD Electrical II
Chepauk, Chennai - 600 005.
4. The Executive Engineer
T.N. Public Works Department PWD Electrical II
North Presidency Division,
Chepauk, Chennai - 600 005.

..Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent herein to enquire into the allegations on the complaint of the petitioner dated 23.12.2023 in a proper perspective and take appropriate action in accordance with law, by



affording sufficient opportunity to the petitioner herein, within a time frame as may be stipulated, by this Court.

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For Petitioner:

Mr.M.Kempuraj

For Respondents:

Mr.P.Ganesan

Additional Government Pleader for R1 to R4

ORDER

The writ petition has been filed for the following relief :

“ To direct the 3rd respondent herein to enquire into the allegations on the complaint of the petitioner dated 23.12.2023 in a proper perspective and take appropriate action in accordance with law, by affording sufficient opportunity to the petitioner herein, within a time frame as may be stipulated, by this Court.”

2. The case of the petitioner is that she was married to one P.Thiagarajan on 05.06.1998, who is now working as Electrical Linesman Grade II in the Public Works Department. Out of the wedlock, a female child was born to them, who is now aged 26 years. Within a short span, there arose a dispute between them, and unable to withstand the harassment at the hands of her husband, the petitioner lodged a complaint before D2 All Women Police Station, Adayar in the year 2001. As a counter blast, her husband filed a petition seeking divorce in O.A.No.1043 of 2001 before the Family Court, Chennai. However, the petitioner-wife had filed a petition for restitution of conjugal



rights in O.A.No.205 of 2002. The I Additional Principal Family Court, Chennai, by order dated 07.05.2004 dismissed the petition filed by the husband and allowed the petition filed by wife, seeking restitution of conjugal rights. Despite the same, the petitioner's husband neither joined with the petitioner-wife nor filed an appeal challenging the said order.

3. Be that as it may, the petitioner came to learn that her husband had married another woman and begotten a child. Therefore, the petitioner had lodged a complaint on 23.12.2023 against her husband before the respondents 2 to 4 alleging the deceitful act of her husband and that necessary disciplinary action to be initiated for the act of bigamy. It appears that the 2nd respondent had forwarded the petitioner's complaint to the 4th respondent vide his correspondence dated 29.01.2025. However, the same was not considered to date. Hence, the petitioner is before this Court.

4. The learned Additional Government Pleader appearing for the respondents had produced the proceedings of the Assistant Executive Engineer, PWD, and Junior Engineer, PWD and on instructions would submit that based on the complaint given by the petitioner, an enquiry has been conducted with P.Thiyagarajan, the husband of the petitioner, who during enquiry, has stated that he has not performed the second marriage.



5. Heard the rival submissions and also perused the materials placed before this Court.

6. The learned Additional Government Pleader has placed reliance on the communication dated 09.12.2024 addressed to the Assistant Engineer, PWD by the Junior Engineer, PWD, as also the correspondence of the Assistant Executive Engineer, PWD dated 12.12.2024 to the Executive Engineer PWD. Both the said correspondences state that the officials had enquired the petitioner's husband P.Thiagarajan, based on the compliant given by her wife and had recorded the statement that the said P.Thiagarajan had not contracted second marriage. This apart, the said correspondences *inter alia* state that if there is any complaint as against the said P.Thiagarajan, with reference to discharge of his official duties alone, they can make recommendations to the higher officials to initiate action against him, however no such complaint is pending as against him.

7. The above letters produced before the Court clearly show how the officials have colluded with the petitioner's husband to brush her complaint under the carpet. A serious allegation of bigamy is made by the petitioner against her husband and she has also produced the proof of the same. She has also stated that her husband had begotten a child through other woman. The



petitioner's husband is a Government servant who is bound by the Tamil Nadu Government Servants' Conduct Rules, 1973. Rule 19 of the said Rules prohibits the Government servants to enter into or contract a marriage with other person, when the spouse is living.

8. Rule 19 of Tamil Nadu Government Servants' Conduct Rules, 1973, reads as below :

“19. Bigamous marriages -

(1) (i) No Government servant shall, enter into or contract, a marriage with a person having a spouse living; and

(ii) No Government servant having a spouse living shall enter into or contract a marriage with any person:

Provided that the Government may permit a Government servant to enter into, or contract, any such marriage as is referred to in clause (i) or clause (ii) if they are satisfied that:

(a) such marriage is permissible under the personal law applicable to such Government servant and the other party to the marriage; and

(b) there are other grounds for so doing.

(2) No Government servant involve himself in any act involving moral turpitude on his part including any unlawful act, which may cause embarrassment or which may bring discredit to Government.”

9. Despite the petitioner having given a complaint, the respondents have chosen to just call the petitioner's husband alone for enquiry, recorded his



statement and closed the complaint without recording the statement of the petitioner. Therefore, it is crystal clear that a mere lip service has been done by the respondents.

10. Considering the fact that during enquiry, no opportunity of hearing was given to the complainant/petitioner who has lodged a complaint on 23.12.2023, a direction is issued to the 4th respondent to conduct enquiry into the complaint afresh, call the petitioner as also her husband, record their statements and thereafter pass orders on the complaint, in accordance with law. The said exercise shall be completed on or before 28.04.2026.

Post the matter for reporting compliance on '29.04.2026'.

25-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

DS



To:

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2. The District Collector
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