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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 29868 of 2025

1. A.Francis Jayabai
2. Irudhayarani

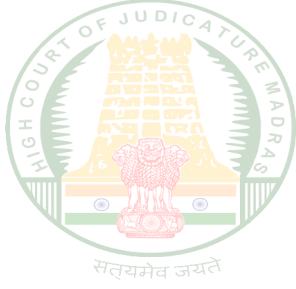
..Petitioner(s)

Vs

1. The Accountant General (a And E)
Office Of The Accountant General (audit)
Complex, No.361, Anna Salai, Rostrevor
Garden, Teynampet, Chennai-600 018
2. Chief Judicial Magistrate
Villupuram District, Villupuram -605 602
3. The Judicial Magistrate No.I,
Udumalpet-606 107
4. M.P. Mannan

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India issuing writ of certiorarified mandamus calling for the records relating to the Order No.23/2025, dated 28.03.2025 signed by 18.07.2025 third respondent herein and to quash the same, and to direct the first respondent to pass appropriate orders for the payment of the Gratuity and other retirement benefits, if any, to the first petitioner, relating to the deceased A. Nambikkai Mary, worked as the Head Clerk in the Office of the Third Respondent, within a time frame as may be fixed by this Court.



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For Petitioner(s):

Mr.S.Subbiah, Senior Counsel
for Mrs.Elizabeth Ravi

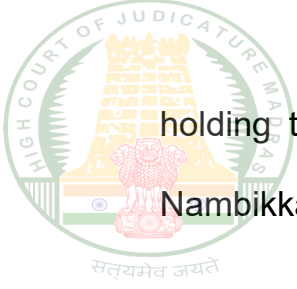
For Respondent(s):

Mr.T.Ravikumar, Standing Counsel for R1,
Ms.P.Selvi for R2 & R3,
Mr.R.Prathaban for R4**ORDER****(Order of the Court was made by S.M.Subramaniam J.)**

The order of the Judicial Magistrate No.1, Ulundhurpet, dated 28.03.2025 recognising the 4th respondent as the legal wedded husband of the deceased employee namely Nambikkai Mary is under challenge in the present writ proceedings.

2. Petitioners claim that they are the surviving legal heirs of the deceased employee Nambikkai Marry under Section 42 of the Tamil Nadu Succession Act. Their mother is entitled to receive the benefits arising out of the death of the employee as her nominee.

3. Mr.S.Subbiah, learned Senior Counsel appearing on behalf of the writ petitioners would mainly contend that originally the name of the mother and brother of the deceased employee were nominated in the service records. 4th respondent, after the death of the deceased employee on 21.05.2021, claimed himself as the husband of the deceased employee. He has produced the baptism certificate, photographs and other inadmissible documents and secured an order from the learned Judicial Magistrate No.1, Ulurdurpet



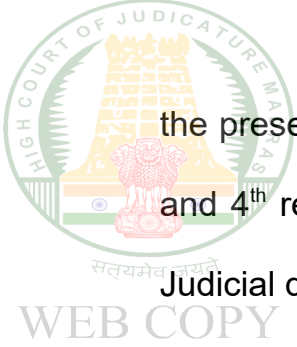
holding that he is the legally wedded husband of the deceased employee Nambikkai Mary. Thus, writ petition came to be instituted.

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4. Learned counsel for the 4th respondent would oppose by stating that he got himself converted to Christianity and married the deceased employee. He produced photographs, baptism certificate and legal heir certificate to establish that 4th respondent is the legally wedded husband of the deceased employee. Considering these documents, Magistrate has passed the impugned order stating that all the terminal and pensionary benefits are to be settled in favour of 4th respondent.

5. Learned counsel for Accountant General of Tamil Nadu based on written instructions, would submit that earlier writ petition filed by the writ petitioners was disposed of with a direction to the Accountant General to consider the issues and take a decision. Accordingly, Accountant General verified the service records of the deceased employee, and addressed a letter to the Judicial Magistrate No.1, Ulurdurpet on 13.04.2026. A copy was marked to the Revenue Tahsildar and other authorities. Revenue Tahsildar addressed a letter to the Revenue Divisional Officer, Kallakurichi, who in-turn verified the correctness of the legal heir certificate.

6. This Court is of the considered view that mere legal heir certificate would not be a conclusive proof to declare the marital status of a person. In



the present case, marriage between the deceased employee Nambikkai Mary and 4th respondent is disputed. There is no concrete proof available with the Judicial department to arrive at a conclusion.

7. Learned counsel for Accountant General of Tamil Nadu would submit that 4th respondent has not produced any document in evidence to his marriage with the deceased employee, which is the vital element to prove legality of the marriage with her, since he had also married Smt.Santhi and also to decide his date of cessation of his eligibility for family pension in respect of Smt.Santhi, in case his marriage with Nambikai Mary is found to be legally valid. Smt.Santhi had expired on 30.05.2005 and Nambikkai Mary had expired on 21.05.2021. Whereas, 4th respondent has drawn family pension in respect of Late Smt.Santhi till January, 2023. Even after the death of employee Nambikkai Mary, 4th respondent was receiving family pension in respect of his another wife Smt.Santhi. In view of such disputes, 4th respondent has to adjudicate the disputed matrimonial issues before the competent Court of law, and only in the event of securing a degree of declaration, authorities will be in a position to consider sanction and disbursement of terminal and pensionary benefits due to the deceased employee.

8. Disputed issues relating to matrimonial dispute cannot be adjudicated by the High Court in a writ proceedings under Article 226 of the Constitution of



India. Such disputes relating to matrimonial rights are to be decided by the competent Court of law. In the event of any finding in this regard, the same may cause prejudice to either of the party. Thus, the High Court has no other option, but to relegate the parties to approach the competent Court of law for getting a declaratory relief, so as to decide the validity of the marriage and the civil rights of the parties.

9. With these observations, order impugned passed by the 3rd respondent made in order No.23/2025, dated 28.03.2025 is set aside and the writ petition is allowed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

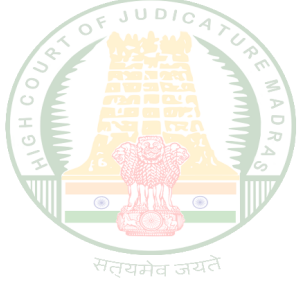
(S.M.S.,J.) (N.S.,J.)
20-07-2026

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

GD

To

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2. Chief Judicial Magistrate
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**S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.**

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