

W.P(MD)No.8293 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 30.06.2026

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD)No.8293 of 2023
and
W.M.P(MD)No.7632 of 2023

Tamil Selvi

... Petitioner

Vs.

1. The Chief Engineer,
Municipal Administration and Water Supply Department
and Chairman,
TWAD Board,
Chennai - 600 009.

2. The Administrative Engineer,
Municipal Administration and Water Supply department
and Chairman,
TWAD Board,
Maintenance Division,
No.35, JK Nagar,
kajamalai post,
Trichy – 23,
Trichy District.

3. Rani

...Respondents



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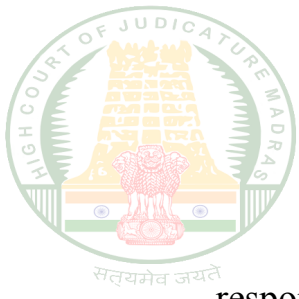
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Prayer: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified mandamus calling for the records in the impugned order, in letter no. 721/Claim and public grievance redressal file / Ne.U/2022 dated 23.08.2022 passed by the 2nd respondent and quash the same and direct the respondents 1 and 2 to disburse the death cum terminal service benefits of late.M.Muthusamy, Senior technician Grade-I on the basis of the succession certificate dated 06.01.2022 issued in SOP.No.19/2010 on the file of Principal Subordinate Court, Tiruchirapalli to the beneficiaries mentioned the said succession certificate and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner	: Mr.Prabakaran for M/s.Dhanaseelan
For R1 and R2	: Mr.B.Vijay Karthikeyan Standing Counsel
For R3	: Mr.R.J.Karthick

ORDER

The writ petition is filed aggrieved by the proceedings dated 23.08.2022, whereby, the claim made by the petitioner for disbursing the terminal and pensionary benefits of her deceased husband namely late M.Muthusamy, was refused on the ground that the appeal filed by the 3rd

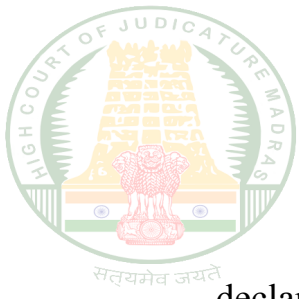


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respondent herein, vide A.S.No.22 of 2022, on the file of the learned I-Additional District Judge (PCR), Tiruchirappalli, is pending.

2. The brief facts that are relevant for disposal of the writ petition are as under:-

The petitioner herein is claiming to be the legally wedded wife of deceased late M.Muthusamy, who worked as Senior Technician Grade – I, in the respondent organization and died while he was in service. The petitioner and her four children made a claim for payment of terminal benefits on the one hand and on the other hand, the 3rd respondent herein and her son made a claim for payment of the terminal benefits. The said dispute finally came before the competent Civil Court, namely learned Principal Subordinate Judge, Tiruchirappalli , wherein, the Succession Original Petition in SOP.No.19 of 2010, filed by the 3rd respondent, her minor son and mother of late M.Muthusamy and O.S.No.112 of 2014, filed by the petitioner herein and her four children were clubbed and tried together and are disposed of by a common order dated 06.01.2022, whereby the petitioner herein, her four children, the son of the 3rd respondent herein and mother of late M.Muthusamy were



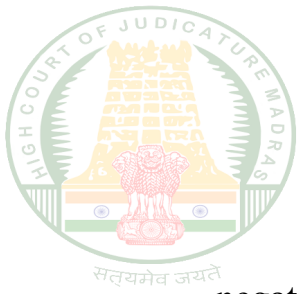
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declared as successors of Late M.Muthusamy, and claim of the 3rd respondent herein as claiming to be wife of the late M.Muthswami was negatived.

3. Aggrieved by the said judgment and decree dated 06.01.2022, the 3rd respondent claimed to have filed an appeal in A.S.No.22 of 2022, on the file of the I-Additional District Judge (PCR), Tiruchirappalli, and the same stated to be pending. Thus, it is evident that as on date, in terms of the decree dated 06.01.2022, passed by the competent Civil Court, the petitioner herein is declared as one of the successor of late M.Muthusamy and also as a wife being his legally wedded wife and children and mother of late M.Muthusamy were also declared as successors and interest. So long that Succession Certificate issued by the competent Civil Court is in operation, the respondents 1 and 2 herein are bound by the same and are under legal obligation to act upon the same.

4. But in the instant case, when the petitioner made a claim for disbursing the terminal benefits taking into account the Succession Certificate dated 06.01.2022 in S.O.P.No.19 of 2010, the same was

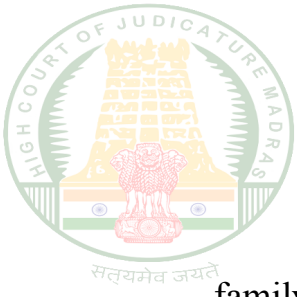


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negated by the respondents by impugned proceedings solely on the ground that the appeal filed by the 3rd respondent herein in A.S.No.22 of 2022, is pending for consideration. If at all, the 3rd respondent has got any *prima facie* case and legally sustainable claim, the 3rd respondent would have obtained appropriate interim orders in the appeal filed by her vide A.S.No.22 of 2022. Admittedly, there is no such interim order passed in the said appeal. In the absence of any such interim order and considering the fact that the Succession Certificate dated 06.01.2022, is holding the field, absolutely, there is no justification for the respondents 1 and 2 to refuse to disburse the terminal benefits in terms of the Succession Certificate dated 06.01.2022.

5. In the light of the above, the impugned order cannot be sustained and the same is accordingly quashed. The respondents 1 and 2 are further directed to disburse the terminal benefits to all the eligible persons and duly taking into consideration, the Succession Certificate dated 06.01.2022 issued by the competent Civil Court in S.O.P.No.19 of 2010 as expeditiously as possible at any rate within a period of eight weeks from the date of receipt of a copy of this order. However, the



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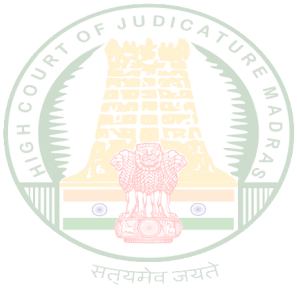
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family pension that may be released in favour of the petitioner herein being the legally wedded wife of deceased late M.Muthusamy will be subject to result of A.S.No.22 of 2022, which is pending for consideration.

6. The writ petition is disposed of with the above observations and directions. No costs. Consequently, connected miscellaneous petition is closed.

30.06.2026

Neutral Citation: No
rgm



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MUMMINENI SUDHEER KUMAR, J.

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