

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.36572 of 2015

M.Samundeeswari

.. Petitioner

Vs.

1.Corporation of Chennai,
Represented by the Commissioner,
Ribbon Buildings,
Chennai.

2.Corporation of Chennai,
Represented by
the Assistant Commissioner,
Zonal Office - 9,
No.1, Lake Area 4th Street,
Nungambakkam,
Chennai 600 034.

3.Gomathi

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to forbear the first and second respondents from disbursing off the death benefits and other statutory claim of the petitioner's husband late V.Kuppusamy to the third respondent pending representation of the petitioner dated 06.10.2015.

For Petitioner : Mr.M.Raja Sekar

For Respondents : Mr.G.Anantharangan

ORDER

By consent of both the parties, the writ petition is taken up for final disposal.

2. The petitioner would submit that she married one Kuppusamy on 16.06.1999 and pursuant to the said marriage, she has given birth to two male children on 10.05.2000 and 18.12.2002 respectively. The petitioner gave a criminal complaint against her husband for demand of dowry and she also filed a maintenance case in M.C.No.340 of 2013 under Section 125 of the Criminal Procedure Code and thereafter, her husband filed H.M.O.P.No.792 of 2014 against the petitioner for Restitution of Conjugal Rights.

3.The petitioner would further submit that while the proceedings were pending, her husband passed away on 07.07.2015 at the age of 46 and when the marriage was subsisting, he married the third respondent.

4. Now, the grievance of the petitioner is that her husband was working in Chennai Corporation as Office Assistant in Education Department and the third respondent is claiming the entire death and other statutory benefits of her husband and she is also claiming compassionate appointment. Hence, the petitioner gave a representation dated 06.10.2015 to the first and second respondents, which is not considered so far. Hence, the present writ petition.

5. Heard the submission of Mr.M.Raja Sekar, learned counsel appearing for the petitioner and Mr.G.Anantharangan, learned counsel for the respondents.

6. Though the petitioner prayed for a larger relief, this court, in the light of the facts and circumstances, without going into the merits of the case, directs the first and second respondents to consider the petitioner's representation dated 06.10.2015 and pass orders on merits and in accordance with law, after hearing the petitioner as well as the third respondent within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. Till the disposal of the representation of the petitioner, the first and second respondents are directed to maintain status quo.

7. This writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Commissioner,
Corporation of Chennai,
Ribbon Buildings,
Chennai.

2.The Assistant Commissioner,
Corporation of Chennai,
Zonal Office - 9,
No.1, Lake Area 4th Street,
Nungambakkam,
Chennai 600 034.

+1 cc to Mr.M.Rajasekar Advocate sr.62145

+1 cc to Mr.G.Anantharangan Advocate sr.61977

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