

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.17470 of 2016

1.Hema Manikandan
2.Keerthi
3.N.Hariharan
4.N.Janaki

.. Petitioners

Vs.

1.The Commissioner of Police
Greater Chennai Police
No.132, Commissioner Office Building
EVK Sampath Road
Vepery
Chennai-600 008.

2.The Joint Commissioner of Police
Central Zone
Vepery
Chennai-600 007.

..Respondents

Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus to direct the respondents to provide all the death benefits of deceased N.Manikandan, who is the husband of the petitioners 1 and 2 herein, the father of the 3rd petitioner herein and the son of the 4th petitioner herein, who died on 08.08.2008, while he was in service working as a Head Constable under the respondents herein, within a stipulated period of time, to and in favour of the petitioners 1 to 4 herein.

For Petitioners : Mr.B.Ganesha Moorthy

For Respondents : Mr.M.Dig Vijaya Pandian,
Additional Government Pleader.

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents to provide all the death benefits of deceased N.Manikandan, who is the husband of the

petitioners 1 and 2 herein, the father of the 3rd petitioner herein, and the son of the 4th petitioner herein, who died on 08.08.2008, while he was in service working as a Head Constable under the respondents herein, within a stipulated period of time, to and in favour of the petitioners 1 to 4 herein.

3. The 1st petitioner is the legally wedded wife of late N.Manikandan. She came to know that her husband had performed second marriage with one Keerthi, the 2nd petitioner herein. Out of the said wedlock, the 3rd petitioner was born. The husband of the petitioners 1 and 2 died, while he was in service as a Head Constable at Government Mental Hospital Output Police Station. The petitioners are the only surviving legal heirs of the deceased N.Manikandan. The petitioners have approached the 2nd respondent to grant the terminal benefits left by the deceased, but the 2nd respondent directed the petitioners 1 and 2 to go before the appropriate Court for obtaining the Succession Certificate. Aggrieved against the same, the Writ Petition has been filed.

4. Mr.B.Ganesha Moorthy, the learned counsel for the petitioners would submit that the petitioners would be satisfied, if their representation seeking terminal benefits are directed to be considered and appropriate orders are passed.

5. Mr.M.Dig Vijaya Pandian, the learned Additional Government Pleader, who takes notice for the respondents, would submit that the 2nd respondent directed the petitioners 1 and 2 to go before the appropriate Court for obtaining Succession Certificate to prove their legal entitlement. He would, however, submit that since both the wives (petitioners 1 and 2) of the deceased and the other legal heirs have jointly filed this Writ Petition seeking for the terminal benefits, he has got no serious objection in directing the 2nd respondent to consider the fresh representation to be submitted by the petitioners and thereafter, to pass appropriate orders, on merits and in accordance with law.

6. Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioners, directs the petitioners to submit a fresh representation by all the petitioners jointly to the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the 2nd respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably within a period of four months thereafter. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. No costs.
paa

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police
Greater Chennai Police
No.132, Commissioner Office Building
EVK Sampath Road
Vepery
Chennai-600 008.

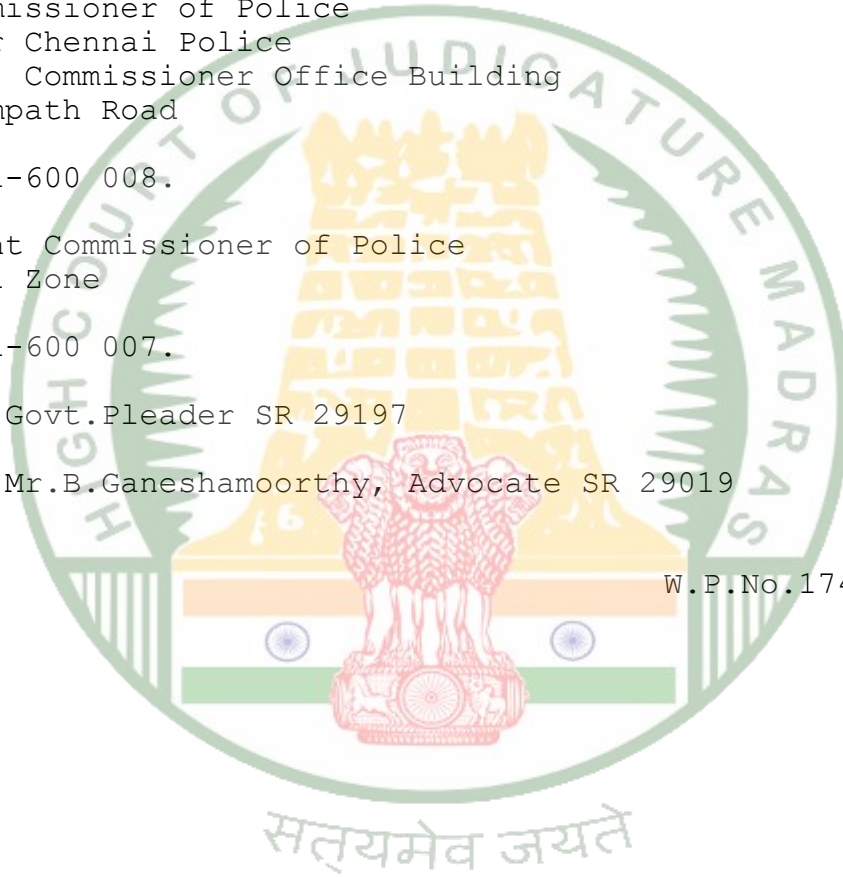
2. The Joint Commissioner of Police
Central Zone
Vepery
Chennai-600 007.

+ 1 cc to Govt. Pleader SR 29197

+ 1 cc to Mr. B. Ganeshamoorthy, Advocate SR 29019

rnjk(co)
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