



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2016

CORAM :

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No.15558 of 2016

and

W.M.P(MD)No.11431 of 2016

B.Jayabharathi

... Petitioner

vs.

1)The District Collector,
Coimbatore Nagapattinam Highways,
New Collector Office,
AVP Azhagammal Nagar,
Thanjavur-613 010.

2)The Tahsildar,
Tiruvidaimaruthur Taluk,
Thanjavur District.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to disburse 50% of the petitioner's share in the amount of Rs.16,12,903/- (Rupees sixteen lakhs twelve thousand nine hundred and three only) lying with him in accordance with the Hindu Law of succession as per the representation of the petitioner dated 10.05.2016.

For Petitioner : Mr.R.Gowrishankar

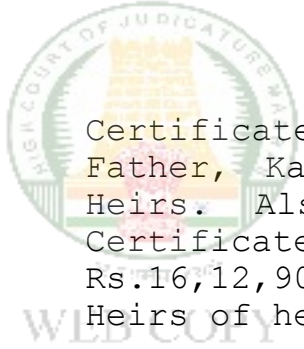
For Respondents : Mr.S.Kumar, Additional Government Pleader

ORDER

For Respondents 1 and 2, Mr.S.Kumar, Learned Additional Government Pleader takes notice.

2.Heard both sides. By consent, the main Writ Petition itself is taken up for final hearing. No Counter Affidavit is filed.

3.According to the Petitioner, her Husband K.Baskar expired on 12.10.2014 in the course of his employment at Muscat, Sultanate of Oman while working in M/s.Galfar Engineering & Contracting SAOG, P.B.No.533, P.C.100. She being the wife of the deceased and her husband has Mother by name, Vembu and her Husband Kaliyaperumal, the 1st Respondent/District Collector had informed the Petitioner that a sum of Rs.16,12,903/- towards arrears of her deceased Husband's service benefits was received by them from the Government of Oman to his Office. The 1st Respondent had instructed the Legal Heirs of the Petitioner's deceased Husband, to receive the amount equally. As a matter of fact, the 2nd Respondent has issued a Legal Heirship



Certificate dated 23.12.2014, wherein, the Petitioner's Husband's Father, Kaliyaperumal and Mother, Vembu, are mentioned as Legal Heirs. Also, that the 1st Respondent on the basis of Legal Heirship Certificate had informed the Petitioner that the aforesaid amount of Rs.16,12,903/- would be equally distributed among the three Legal Heirs of her deceased Husband.

4.The grievance of the Petitioner is that she sent a Representation to the Respondents 1 and 2 on 10.05.2016, requesting them to disburse her share as per the Hindu Law of Succession, but till date, her share amount has not been disbursed.

5.The core contention advanced on behalf of the Petitioner is that the Petitioner's Husband being a Hindu, who died intestate and as per the Hindu Law of Succession, Class-I Legal Heirs are entitled to equal share in the Estate and Properties of the deceased, the aforesaid amount is an Estate to be shared among Class-I heirs in accordance with law.

6.Considering the fact that the Petitioner's Representation dated 10.05.2016 addressed to the Respondents is pending for adjudication/consideration, at this stage, this Court in the interest of justice, fair play, without expressing any opinion on the merits and demerits of the Representation of the Petitioner dated 10.05.2016, simpliciter directs the 1st Respondent to look into the Representation of the Petitioner with a fair, open and dispassionate mind and to dispose of the Representation of the Petitioner within a period of six weeks from the date of receipt of copy of this order. The Petitioner is directed to lend her assistance and co-operation to the 1st Respondent, so as to enable the latter to do the needful in her favour within the time stipulated by this Court as stated supra.

With the aforesaid Observation(s) and Direction(s), the Writ Petition stands disposed of. No costs. W.M.P(MD)No.11431 of 2016 is closed.

Sd/
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

To

- 1)The District Collector,Coimbatore Nagapattinam Highways,
New Collector Office,AVP Azhagammal Nagar,Thanjavur-613 010.
 - 2)The Tahsildar,Tiruvidaimaruthur Taluk,Thanjavur District.
- +1CC to M/S.R.Gowrishankar, Advocate, SR.No. 46369

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