



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.18159 of 2016

and WMP(MD)No.13091 of 2016

WEB COPY

Sethukarasi

... Petitioner

-vs-

1. The Director General Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

2. The Superintendent of Police,
Sivagangai District,
Sivagangai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus directing the respondents to incorporate the legal heirship of the petitioner's minor children Dhanalakshmi and Perumal in the disbursement of the death benefit and other benefits of the petitioner's deceased husband, namely, R.Periyasamy (HC 1548) on basis of the petitioner's representation dated 21.12.2015.

For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.S.Kumar
Addl. Govt. Pleader

O R D E R

This petition has been filed, seeking to direct the respondents to treat the petitioner's minor children Dhanalakshmi and Perumal as legal heirs of the deceased employee Periyasamy (HC 1548) for the purpose of disbursement of his death and other benefits on basis of the petitioner's representation dated 21.12.2015.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The petitioner claims that she is the 2nd wife of the deceased employee Periyasamy, who had been employed as Grade-I Head Constable; that the deceased husband married her with the consent of the 1st wife on 12.11.2006 and out of wedlock, they are blessed with two children, namely, Dhanalakshmi, aged about 8 years and Perumal aged about 7 years; that Periyasamy died on 21.11.2015 while in service; after his death, the 1st wife and her



daughter are trying to withdraw the death benefits without impleading the petitioner and her children as legal heirs, pursuant to the entry of their names in the Service Record as nominee; the petitioner submitted a representation to the 1st and 2nd respondents on 24.11.2015 in this regard and as no action has been taken thereon, this writ petition has been filed.

4. Learned Additional Government Pleader has submitted that the 2nd respondent is the competent person to consider the representation of the petitioner.

5. The petitioner has produced a copy of the birth certificate of her children, wherein the father's name has been mentioned as Periyasamy. It is pertinent to point out that nominee is only a trustee, who can receive / act on behalf of all the legal heirs of the deceased and no ownership right is vested with the nominee.

6. Therefore, the 2nd respondent is directed to consider the representation of the petitioner dated 21.12.2015 in the light of the birth certificates of Dhanalakshmi and Perumal and pass appropriate orders thereon on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar(A.E)

/TRUE COPY/

Sub Assistant Registrar

To:

1. The Director General Police,
Dr.Radhakrishnan Salai, Mylapore, Chennai-600 004.

2. The Superintendent of Police,
Sivagangai District, Sivagangai.

+1cc to M/S.T.Vadivelan, Advocate in SR.No.55126.

+1cc to Special Government Pleader, in SR.No.55175.

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