

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.106/2017

S.Kothandaraman

..Petitioner

Vs

1.The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003.

2.The Assistant Executive Engineer,
Corporation of Chennai
Ward No.147, Gangai Amman Koil
Street, Alapakkam, Chennai 600 116.

3.The Zonal Officer II
Corporation of Chennai
Valasarawakkam, Chennai 600 087.

4.Kubendran

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents 1 to 3 to pass orders on petitioner letter dated 08.06.2016 and also to make an enquiry into the allegations as to how the service benefits can be distributed other than the nominee or the husband of the deceased Mrs.K.Mary.

For Petitioner : Mr.N.Moorthi

For RR 1 to 3 : Mr.G.Anantha Rangan

ORDER

By consent, the writ petition is taken up for final disposal. Mr.G.Anantha Rangan, learned counsel accepts notice on behalf of the respondents 1 to 3.

2 The petitioner would state that he married one K.Mary, and out of wedlock, three children, viz., K.Seshachalm, K.Saroja and K.Kubendran [4th respondent herein] were born and she was employed as Sanitary Worker in the services of the respondent / Corporation and she died in

harness on 06.10.2013, leaving behind the petitioner and three children as her legal heirs. The petitioner has applied for Legal Heirship Certificate and got it from the Tahsildar, Egmore-Nungambakkam Circle, stating that the legal heirs of Smt.Mary [deceased] are himself as well as his three children. The petitioner is not in receipt of any Family Pension as well as the other monetary benefits due and payable to his wife and therefore, he has requested his one of his sons, viz., the 4th respondent herein, who was employed as a Sweeper in Division - 147, Chennai-116, to follow up the matter and taking advantage of the same, the 4th respondent had obtained signatures from the petitioner stating that those papers are necessary to follow up the matter and created records as if he is the sole legal heir. The petitioner on becoming aware of the same, has submitted a representation dated 08.06.2016 to the respondents 1 to 3 praying for appropriate relief and though it was received and acknowledged, the petitioner is yet to be favoured with any kind of response and hence, he has come forward to file the present writ petition.

3 Heard the learned counsel for the petitioner and Mr.G.Anantha Rangan, learned counsel appearing for the respondents 1 to 3.

4 Though the petitioner has prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to consider and dispose of the petitioner's representation dated 08.06.2016 on merits and in accordance with law, after putting on notice, the 4th respondent herein and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 4th respondent.

5 The writ petition stands disposed of with the above direction. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

AP

To

1.The Commissioner
Corporation of Chennai
Rippon Buildings

<https://hcservices.ecourt.in/hcservices> 003.

2.The Assistant Executive Engineer,
Corporation of Chennai
Ward No.147, Gangai Amman Koil
Street, Alapakkam, Chennai 600 116.

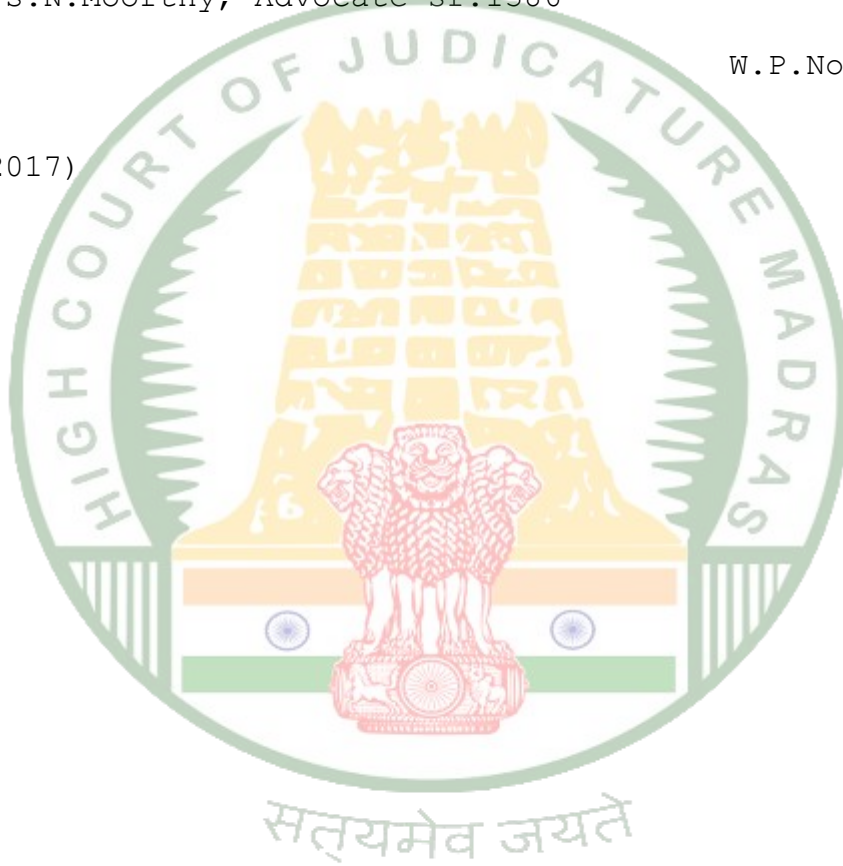
3.The Zonal Officer II
Corporation of Chennai
Valasarawakkam, Chennai 600 087.

+1CC to M/s.G.Anantharangan, Advocate sr.1247

+1cc to M/s.N.Moorthy, Advocate sr.1386

W.P.No.106/2017

cp(co)
ss(25/01/2017)



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