

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 22.09.2017****CORAM:****WEB COPY****THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM****W.P. (MD) No.16424 of 2017**

1.O.K.Girija
2.O.K.Karthic
3.O.K.Manilal

...Petitioners

-Vs-

1. The Tahsildar,
Madurai South Taluk,
Madurai District.
2. The Joint Director of Collegiate Education,
Madurai Region,
Madurai.
3. The Principal Accountant General,
No.361, Anna Salai,
Teynampet, Chennai - 600 018.
4. The Treasury Officer,
District Treasury,
Madurai.
5. Sourashtra College,
Represented by its Secretary,
Pasumalai, Madurai.
- 6.O.K.Usha
- 7.Minor O.K.Jeyanandhini
- 8.Minor O.K.Shobana

(Minor Respondents 7 and 8 are represented by their mother and natural guardian, the sixth respondent herein)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent in Na.Ka.No.3586/2017/A2, dated 14.07.2017, quash the same and direct the first respondent to issue legal heirship certificate to the petitioners and the respondents 7 and 8, as legal heirs of O.N.Krishnakumar.



For Petitioner	: Mr.M.Saravanan
For R-1,R-2 & R-4	: Mr.G.Muthu Kannan Government Advocate
For R-3	: Mr.P.Gunasekaran
For R-5	: No appearance
For R-6 to R-8	: Mr.P.T.Ramesh Raja

O R D E R

This writ petition is filed challenging the order of the first respondent in Na.Ka.No.3586/2017/A2, dated 14.07.2017, quash the same and direct the first respondent to issue legal heirship certificate to the petitioners and the respondents 7 and 8, as legal heirs of O.N.Krishnakumar.

2. Heard Mr.M.Saravanan, learned counsel for the petitioner, Mr.G.Muthu Kannan, learned Government Advocate, for the respondents 1,2 and 4, Mr.P.Gunasekaran, learned counsel for the third respondent, Mr.P.T.Ramesh Raja, learned counsel for the respondents 6 to 8 and perused the records.

3. The case of the petitioners is that one Krishnakumar married the first petitioner on 20.05.1984. Out of the lawful wedlock, the petitioners 2 and 3 were born to them. The said Krishnakumar was working as a record clerk in the fifth respondent college, where he developed illegal intimacy with the sixth respondent and through her, he is having two children, namely, the respondents 7 and 8.

4. The petitioners would state that the first petitioner's husband died on 11.02.2017 and thereafter the petitioners approached the first respondent for issuance of legal heirship certificate. The application was rejected on the ground that the said Krishnakumar is having 2 wives and therefore, the petitioners were directed to approach the Court. Challenging the order, the present writ petition has been filed.

5. Mr.Saravanan, the learned counsel for the petitioners and Mr.P.T.Ramesh Raja, the learned counsel for the respondents 6 to 8, would submit that the dispute between the petitioners and the respondents 6 to 8 have been compromised and the sixth respondent has agreed for issuance of legal heirship certificate in favour of the petitioners and the respondents 7 and 8.

6. In such circumstances, both the parties appeared before this Court along with their counsel and filed a memo compromise, which is extracted below:



"The 1st petitioner married O.N.Krishnakumar on 20.05.1985 and the petitioners 2 and 3 were born out of the wedlock. Subsequently O.N.Krishnakumar started to live with the sixth respondent and they begot two children namely the minor respondents 7 and 8. O.N.Krishnakumar was working as Record Clerk in the fifth respondent sided college and retired from services on 30..04.2012 and received his terminal benefits.

On 11.02.2017, O.N.Krishnakumar died leaving behind the petitioners and respondents 7 and 8 as his legal heirs. The deceased O.N.Krishnakumar does not possess any property at the time of his death. As per the Tamilnadu Pension Rules, 1978, the first petitioner and the minor respondents 7 and 8 alone are entitled for Family Pension. Hence all of them jointly applied for Legal Heirship Certificate for receiving Family Pension and the same was rejected by the first respondent directing the petitioners and the respondents 6 to 8 to approach the competent Court.

As there is no dispute between the legal heirs, the order of the first respondent is ex-facie erroneous and hence challenging the same, the petitioners have filed the above writ petition. How the petitioners and the respondents 6 to 8 are praying this Court to dispose the Writ Petition on the following terms.

"(a) The petitioners and the respondents 6 to 8 hereby admit that the petitioners and the respondents 7 and 8 are the legal heirs of deceased O.N.Krishnakumar.

(b) The petitioners and respondents 6 to 8 admit that the first petitioner and the respondents 7 and 8 alone are entitled for Family Pension as per TamilNadu Pension Rules, 1978.

(c) The petitioners and the respondents 6 to 8 pray this Court to direct the first respondent to issue Legal Heirship Certificate to the petitioners and the respondents 7 and 8 for the death of O.N.Krishnakumar.

(d) The petitioners and the respondents 6 to 8 pray this Court to direct the respondents 2 to 5 to disburse the Family Pension to the first petitioner and the respondents 7 and 8 as per TamilNadu Pension Rules, 1978."



7. In view of the Joint Compromise Memo, the first respondent is directed to issue legal heirship certificate indicating the petitioners and the respondents 7 and 8 as legal heirs of the deceased O.N.Krishnakumar. Based on the Legal Heirship Certificate, the second respondent is directed to process the application of Family Pension Proposal. Accordingly, the third respondent shall pay the pension to the parties.

8. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

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District Treasury,
Madurai.
5. Sourashtra College,
Represented by its Secretary,
Pasumalai, Madeira.

+1cc to Mr.R.Subramanian, Advocate Sr.No.81024
+1cc to Spl.Government Pleader Sr.No.81092

SM
MK/KK/SAR1/09/10/2017/4P/8C

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