



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.2008 of 2017

S.Sundaresan

... Petitioner

vs.

The Tamil Nadu State Transport
Corporation (Madurai)Ltd.,
Represented by its General Manager,
Dindigul Region, Bye Pass Road,
Dindigul.

... Respondent

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to remove the petitioner's wife name Mrs.Umamaheswari, his sons name Ashokkumar and Aravindkumar as his legal heirs in the service record and including his father Mr.V.Ramasamy as his only legal heir on his service records maintained by the respondent based on the petitioner's representation dated 15.06.2016.

For Petitioner : Ms.X.Sumalatha

For Respondent : Mr.A.P.Muthupandiyan

ORDER

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the respondent to remove the petitioner's wife name Mrs.Umamaheswari, his sons' names viz., Ashokkumar and Aravindkumar as his legal heirs in the Service Record and to include his father's name Mr.V.Ramasamy as his only legal heir in his Service Record maintained by the respondent based on the petitioner's representation dated 15.06.2016.

2.The petitioner is a driver working in the respondent transport corporation. He married one Umamaheswari on 02.02.1986, through whom he got two sons. Vide order dated 22.03.2016 in HMOP.No,76/2015, the petitioner obtained divorce. Thereafter, the petitioner sent a representation dated 15.06.2016, requesting the respondent to remove the names of his wife Umamaheswari and his two sons and to include the name of his father Mr.V.Ramasamy as nominee in his Service Record. However, in the affidavit filed in support of this writ petition, instead of using the word



'nominee' the learned counsel for the petitioner has used the word 'legal heir' which is not the correct terminology. The learned counsel ought to have used the appropriate word, otherwise, there may be a possibility of probating a Will, if any, during the life time of the petitioner. As long as the petitioner is alive, no person can be said to be the legal heir of the petitioner.

3. The learned counsel for the petitioner would submit that it is suffice, if a direction is issued to the respondent to consider the representation of the petitioner dated 15.06.2016, and to pass orders within a time frame.

4. In view of the limited prayer made, without expressing any opinion on the merits of the case, the respondent is directed to consider the representation of the petitioner dated 15.06.2016 and to pass orders in accordance with law, if there are no legal impediments, within a period of one month from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(Co)

/True copy/

Sub Assistant Registrar

To

The General Manager,
Tamil Nadu State Transport
Corporation (Madurai)Ltd.,
Dindigul Region, Bye Pass Road,
Dindigul.

+1 cc to Mr.G.M.Xavier , Advocate in SR.No. 6684

nbi

AE/JC/SAR2/19.04.2017/2P/3C

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