

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.26903 OF 2013

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, came to be filed seeking to declare the inaction of the respondents in considering the representation dated 22.07.2013 and also the legal notice issued by the petitioner on 27.08.2013 as illegal and arbitrary.

The facts in issue are as under:

Petitioner was adopted by Sri Turka Venkanna and Smt.Turka Venkatamma, about seven years back, before the village elders and other family members. Petitioner is none other than the sister's son of said Venkanna. From then onwards, the petitioner has been living with them. While so, on 03.04.2010 the said Venkanna, who was working as Hamali under the control of third respondent, died in harness. Prior to that, his wife i.e. Venkatamma died. Petitioner herein performed the funeral rites of both of them and completed all the ceremonies as required. The name of the petitioner was also reflected in the household card. He was also issued with a Community, Nativity and Date of Birth certificate dated 01.02.2013 wherein the petitioner was shown as the son of late T.Venkanna. Thereafter, petitioner approached the respondents for the death benefits and also seeking appointment on compassionate grounds. In response to the same, the respondents asked the petitioner to get a legal heir certificate from a competent Civil Court. Pursuant thereto, petitioner filed O.S.No.222 of 2012 on the file of the Principal Junior Civil Judge's Court, Khammam, which was decreed in favour of the petitioner vide judgment dated 13.06.2013, declaring the petitioner as class-I

legal heir of the deceased Venkanna. Thereafter, the petitioner made a representation dated 22.07.2013, followed by a legal notice dated 27.08.2013, to the respondents seeking release of death benefits and also for compassionate appointment. Alleging inaction, the present Writ Petition is filed.

Heard and perused the material on record.

The main grievance of the petitioner is that though he made a representation to the respondents on 22.07.2013, followed by a legal notice dated 27.08.2013, his case for release of death benefits of his father viz., late Venkanna and also for appointing him on compassionate grounds, is not considered by the respondents.

As seen from the material on record, pursuant to the objection raised by the respondents, the petitioner approached the competent Civil Court i.e. Principal Junior Civil Judge's Court, Khammam, by filing O.S.No.222 of 2012, which was decreed in favour of the petitioner declaring him as Class-I legal heir of the deceased Venkanna.

Having regard to the above and taking into consideration the fact in situation, the Writ petition is disposed of directing the third respondent to consider the representation dated 22.07.2013 made by the petitioner, if not already considered, in accordance with law, as early as possible, preferably within a period of two months from the date of receipt of a copy of this order.

Miscellaneous Petitions pending in this petition, if any, shall stand closed. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

24.04.2017
sur