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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6683 OF 2018

Smt. Vasantha Mallika Santharaj	..Petitioner.
V/s.	
State of Maharashtra & Ors.	..Respondents.

Mr.K.Mano Prabhakaran for the petitioner.

Mr.Sandeep Babar, AGP for the respondent-State.

CORAM: SHANTANU KEMKAR
NITIN W.SAMBRE, JJ.

DATE : JULY 18, 2018

P.C.:-

Heard the learned counsel for the petitioner as also the learned AGP for respondent-State.

2. According to the petitioner, the Collector, Thane has committed error by sending a letter dated March 22, 2018 (Exhibit-A to the petition) and directing the petitioner to produce Succession Certificate to receive the traffic accident death compensation amount sent by Embassy of India, Kuwait.

3. Learned counsel for the petitioner submits that in view

of the law laid down by Kerala High Court in *C.Chellappan V/s. Union of India and others*, O.P. No.8684 of 1990 [1991(1) TAC 439] following law laid down by the Division Bench of Kerala High Court in the matter of *K.Lekshmi V/s. Chairman Kerala State Road Trans. Corporation*¹, the order passed by the Collector cannot be sustained.

4. We find that this submission was not made before the Collector.

5. In the circumstances, we dispose of the petition by giving liberty to the petitioner to approach the Collector, Thane by making a fresh application along with the judgments on which reliance has been placed as also the copy of the documents including the Heirship Certificate issued by the Civil Judge, J.D. Ulhasnagar on or before July 31, 2018. In case the petitioner approaches the Collector, Thane as aforesaid, the Collector shall consider the claim of the petitioner afresh.

6. We expect that the Collector, Thane will consider and decide the petitioner's request as expeditiously as possible, but not

¹ 1984 ACJ 79 (Kerala)

later than 6 weeks from the date of appearance of the petitioner before the Collector, Thane.

7. The petitioner to appear before the Collector, Thane on July 31, 2018 at 11.00 a.m.

8. The petition stands disposed of with above directions.

Parties to act on an authenticated copy of this order.

(NITIN W.SAMBRE, J.)

(SHANTANU KEMKAR, J.)

Srikrishna
Ananth
Sharma

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by Srikrishna
Ananth Sharma
Date:
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