



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.51 of 2018

N.Ganga Devi

... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu Water Board Department,
Head Office, Chepauk, Chennai-5.
- 2.The Administrative Engineer,
Tamil Nadu Water Board Department,
Ramanathapuram.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records in க.எண்.1000/கோ.ச.நாகராஜன்/218/2016 dated 18.09.2017 on the file of the second respondent and quash the same as illegal, unjust, unconstitutional without jurisdiction and to direct the respondents to disburse the death benefit and family benefits of Late.Nagarajan (husband of petitioner) and for consequential orders.

For Petitioner : Mr.J.M.Hassanul Bazari

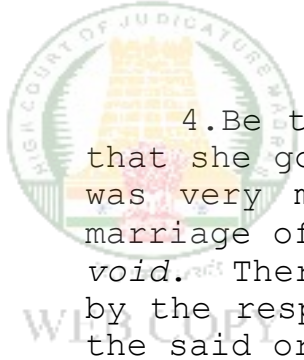
For Respondents : Mrs.Porkadi Karnan

ORDER

Heard the learned counsel on either side.

2.The petitioner's husband Nagarajan was working in the respondent Board/Tamil Nadu Water Department Board. He passed away. The petitioner applied for disbursing the pensionary and the other retiral benefits. The second respondent rejected the petitioner's request by passing the impugned order dated 18.09.2017. The same is under question in this Writ Petition.

3.The learned counsel appearing for the petitioner reiterated the grounds set out in the affidavit filed in support of the Writ Petition. It is seen from the material enclosed in the typed set of papers that the petitioner's husband Nagarajan had earlier married one Kasthuri and three children were born through the first marriage. The case of the petitioner is that the said Nagarajan had suppressed the factum of the first marriage and got married to her. In other words, the petitioner's version is that she is a victim of circumstances,



4. Be that as it may, it is the admitted case of the petitioner that she got married to the said Nagarajan, when his first marriage was very much alive and subsisting. As per law, the so called marriage of the petitioner with the deceased Nagarajan, is *ab initio* void. Therefore, the request of the petitioner was rightly rejected by the respondents. No case has been made out for interfering with the said order. There is no merit in this Writ Petition.

5. The Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub-Assistant Registrar

+One cc to M/s. Porkodi Karnan, Advocate, SR.No.43798

tsg

RL/2C/2P/KK/SAR1/14/2/2018

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