



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.626 of 2018

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...Petitioner

Vs.

1.The Superintendent of Police,
Tuticorin District.2.The Inspector of Police,
Meiyanapuram, Tuticorin.3.The Tahsildar,
Vilavangodu Taluk,
Kanyakumari District.4.The Tahsildar,
Tiruchendur Taluk,
Tuticorin District.

5.Lalitha

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's grievance on the basis of Petitioner's latest representation dated 04.12.2017 and recover the service benefits which was fully dispersed by the first respondent to the fifth respondent.

For Petitioner : Mr.A.Rajaram
For Respondents : Mr.J.Gunaseelan Muthiah
1 to 4 Additional Government Pleader

For Respondent 5 : No Appearance

ORDER

Heard the learned counsel on either side.

2By consent of both parties, the main Writ Petition itself is taken up for final disposal.

3.The petitioner's son Rethinamani was employed in the Police Department as head Constable. He passed away on 22.03.2017. The petitioner's son is survived by two legal heirs namely, the



petitioner/mother and the fifth respondent herein herein, namely, wife. It appears that the fifth respondent obtained a Legal Heir Ship Certificate as if she was the sole respondent. Acting on the same, the department disbursed substantial portion of benefits payable to the fifth respondent.

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4.It cannot be in dispute that the petitioner is entitled to 50% of the benefits. It cannot be in dispute that the petitioner is entitled to her share in the terminal benefits of her deceased son.

5.The first respondent is, therefore, directed to disburse the petitioner's share to her within a period of eight weeks from the date of receipt of a copy of this order. If any excess amount has been paid to the fifth respondent, it is open to the first respondent to recover the same from her. The petitioner shall not be put to prejudice merely because some excess amount was paid to the wife of the deceased employee. The writ petitioner cannot suffer for the negligence of the official respondents.

6.With these directions, the Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Tuticorin District.

2.The Inspector of Police,
Meiyanapuram, Tuticorin.

3.The Tahsildar,
Vilavangodu Taluk,
Kanyakumari District.

4.The Tahsildar,
Tiruchendur Taluk,
Tuticorin District.

+1CC to Mr.A,Rajaram, Advocate, SR.No. 53543

+1CC to the Special Government Pleader SR.No.53841

ORDER MADE IN
W.P.(MD).No.626 of 2018
07.03.2018