



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 959 of 2018

M.Sethupathi

... Petitioner

Vs.

The Superintendent of Central Prison,
Subramaniyapuram,
Tiruchirappalli.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to forward the name Tmt.Lalitha as the petitioner's spouse in my pension pay order without insisting legal heir certificate of the petitioner from the Revenue Department as demanded in his letter dated 30.11.2017.

For petitioner	: Mr.S.Jayavel
For Respondent	: Mrs.S.Srimathi
	Special Government Pleader

O R D E R

Heard Mr.S.Jayavel, learned counsel, takes notice for the petitioner and Mrs.S.Srimathi, learned Special Government Pleader, takes notice for the respondent.

2.By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

3.The petitioner is a retired employee of the Police Department. His wife Chitra passed away on 09.07.2005. There after, the petitioner got married to one Lalitha on 30.04.2007. The petitioner has enclosed proof of his marriage in the typed set of papers. The petitioner seeks to include her name. The petitioner wants to nominate his wife Lalitha, so that she can receive pension in the event of his demise. His grievance is that the respondent is insisting to produce a Legal Heir Certificate from the Revenue Department for complying with the said request. The respondent had intimated him vide his letter dated 30.11.2017 in this regard.

<https://hcservices.ecourts.gov.in/hcservices/>

4.This Court is clearly of the view that the petitioner has produced evidence to show that he had lawfully married the said



Lalitha. There is no need to insist on production of any Legal Heir Certificate from the Revenue Department. The request of the petitioner is reasonable.

5. Therefore, there shall be a direction to the respondent to forward the name of Thirumathi Lalitha, as the wife of the petitioner, in his pension pay order, without insisting on production of any Legal Heir Certificate from the Revenue Department.

6. The Writ Petition is allowed accordingly. No costs.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To:

The Superintendent of Central Prison,
Subramaniyapuram,
Tiruchirappalli.

+1 CC to Mr.S.JAYAVEL, Advocate SR.No.42637

+1 CC to The SPECIAL GOVERNMENT PLEADER, SR.No.43149

ORDER MADE IN
W.P. (MD) No. 959 of 2018
18.01.2018

tsg/pnn
VB/MR/SAR-3:14.02.2018:2P/4c