



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.14382 of 2014

G.Valliammal

... Petitioner

Vs.

1.The State of Tamil Nadu,
through its Secretary,
Public Works Department,
Chennai.

2.The Superintendent Engineer,
Public Works Department,
Virudhunagar,
Virudhunagar District.

3.The Executing Engineer Administration,
Upper Valpper,
Public Works Department,
Rajapalayam,
Virudhunagar District.

... Respondents

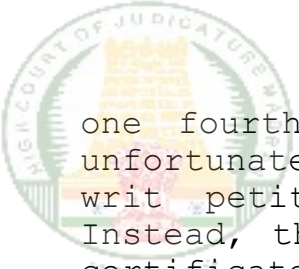
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 2 and 3 to pay the 1/4th share of the death benefits of late Muruganandham without asking the petitioner to get the Succession Certificate which is now in the hands of the second respondent.

For Petitioner	: Mr.V.Sakthivel
For Respondents	: Mr.J.Gunaseelan Muthaiah, Addl.Govt.Pleader

O R D E R

The writ petitioner is a 82 year old lady. Her son Muruganandham was working as a Assistant Engineer in the office of the third respondent. He passed away on 13.09.2008. His legal heirs are the petitioner, his wife and two children.

2.S.O.P.No.5 of 2010 was filed by the children of the deceased Muruganandham before the Principal Sub Court, Madurai. Orders were passed on 30.07.2013. It was categorically mentioned in the said order that the writ petitioner is also a legal heir of the Late Muruganandham. Therefore, the writ petitioner would be entitled to



one fourth share in the terminal benefits of her son. But, unfortunately, till date, the respondents have not disbursed the writ petitioner's share in the death benefits of her son. Instead, they have been calling upon her to furnish the succession certificate.

3.This Court is of the view that when already S.O.P.No.5 of 2010 was ordered by the Principal Sub Court, Madurai and the writ petitioner as well as the third respondent herein are the parties, there is no need for the writ petitioner to produce one more succession certificate. The respondents 2 and 3 are therefore directed to disburse one fourth share of the death benefits of her son Late Muruganandham without insisting on production of any fresh succession certificate. The disbursement of the death benefits shall be done forthwith without any further delay.

4.This writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

1.The Secretary, State of Tamil Nadu,
Public Works Department,
Chennai.

2.The Superintendent Engineer,
Public Works Department, Virudhunagar,
Virudhunagar District.

3.The Executing Engineer Administration,
Upper Valpper, Public Works Department,
Rajapalayam, Virudhunagar District.

+One cc to The Special Government Pleader, SR.No.41456

skm

RL/5C/2P/MR/SAR4/25/1/2018

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