



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition No.1080 of 2012

1.Kasinathan

2.Pakkiri Ammal

.. Petitioners

Vs.

The Commissioner
Cuddalore Municipality
Cuddalore
Cuddalore District.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus directing the respondent to pay petitioners the amounts due on the death of Pakkiri, son of Sengeni, who died on 12.05.2004.

For Petitioners : Mr.R.M.D.Nasrullah for
Mr.R.Gururaj

For Respondent : No appearance

O R D E R

Writ Petition is filed for issuance of a writ of Mandamus directing the respondent to pay petitioners the amounts due on the death of Pakkiri, son of Sengeni, who died on 12.05.2004.

2.According to the 2nd petitioner, the said Pakkiri is brother of both the petitioners. The deceased Pakkiri died on 12.05.2004. The said Pakkiri was a bachelor and he was working as a sanitary worker with the respondent and he died while in service. In spite of representation dated 08.11.2011 given by the petitioners, the respondent did not pay amounts and pass any orders on the representation. In such circumstances, the petitioners have filed the present writ petition.

3.The learned counsel appearing for the petitioners contended that the 1st petitioner viz., Kasinathan died and even after informing the legal heirs, they are not interested in perusing the matter and reported no instruction. Recording the



said submission made by the learned counsel appearing for the petitioners, the writ petition is dismissed against the 1st petitioner.

4. Though the respondent entered appearance through counsel, when the matter is taken up for hearing, there is no representation for the respondent.

5. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

6. The 2nd petitioner sought for a direction to the respondent to pay the amounts due on the death of his brother Pakkiri. The said direction cannot be issued based on the averments made in the affidavit filed in support of this petition. The 2nd petitioner claimed that both the petitioners have given representation dated 08.11.2011 to the respondent and the respondent has not passed any order on such representation. Considering the above contention, the 2nd petitioner is directed to give a fresh representation to the respondent with supporting documents to prove that he is the sister of the said Pakkiri within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondent is directed to consider the said representation and pass orders on merits and in accordance with law within a period of eight weeks thereafter.

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

The Commissioner
Cuddalore Municipality
Cuddalore, Cuddalore District.

+1cc to Mr.S.T.S.Murthy, Advocate, S.R.No. 55364

+1cc to Mr.R.Gururaj, Advocate, S.R.No. 55281

W.P.No.1080 of 2012

SVI (CO)
GN(08/08/2019)