

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 11283 of 2015

S. Michael

... Petitioner

-VS-

1. Union of India,
represented by its Secretary,
Government of India,
Ministry of Home Affairs,
Freedom Fighters Division,
1 Floor, Lok Nayak Bhavan,
New Delhi - 110 003.
 2. Union of India,
represented by its Deputy Secretary,
Government of India,
Ministry of Home Affairs,
Freedom Fighters Division,
1 Floor, Lok Nayak Bhavan,
New Delhi - 110 003.
 3. The State of Tamil Nadu,
represented by its Joint Secretary,
Government of Tamil Nadu,
Public (PP-I) Department,
Fort St. George,
Secretariat,
Chennai - 600 009.
 4. The District Collector,
Thanjavur District,
Tamil Nadu State.
- ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First and Second Respondents to take action on the application of the Petitioner dated 06.11.1981 submitted as forwarded by the Third Respondent to the Second Respondent vide the Third Respondent's letter No. 46886/81-1 of Public (PP-I)

dated 13.07.1982 for sanction and paying of the Swatantrata Sainic Samman Pension to the Petitioner and pay the same forthwith from the date of the Petitioner's application.

For Petitioner : No appearance

For Respondents: Mr. G. Karthikeyan,
Assistant Solicitor General of India
(for R1 & R2)

Mr. D. Sathyaraj
Special Government Pleader (for R3 & R4)

O R D E R
(through video conference)

There is no representation for the Petitioner when the matter is called at 11.45 p.m.

2. The Writ Petition has been filed for a direction to the First and Second Respondents to take action on the application of the Petitioner dated 06.11.1981 submitted as forwarded by the Third Respondent to the Second Respondent vide the Third Respondent's letter No. 46886/81-1 of Public (PP-I) dated 13.07.1982 for sanction and paying of the Swatantrata Sainic Samman Pension to the Petitioner and pay the same forthwith from the date of the application of the Petitioner.

3. It is informed today by the Learned Special Government Pleader appearing for the Third and Fourth Respondents that the Petitioner has expired on 10.02.2017 and he has produced his Death Certificate in support thereof.

4. In the aforesaid circumstances, the Writ Petition stands dismissed as abated with a clarification that the legal heirs of the deceased Petitioner are not precluded to seek for re-opening of the proceedings in the manner recognized by law, on satisfying the conditions prescribed for the same. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Maya/vjt

To

1. The Secretary to the Government of India,
Ministry of Home Affairs,
Freedom Fighters Division,
1 Floor, Lok Nayak Bhavan,
New Delhi - 110 003.
2. The Deputy Secretary to the Government of India,
Ministry of Home Affairs,
Freedom Fighters Division,
1 Floor, Lok Nayak Bhavan,
New Delhi - 110 003.
3. The Joint Secretary to the Government of Tamil Nadu,
Public (PP-I) Department,
Fort St. George,
Secretariat,
Chennai - 600 009.
4. The District Collector,
Thanjavur District,
Tamil Nadu.

Copy to

Legal Heirs of S. Michael,
S/o Late Sabastin,
No. 164, 3rd Street,
Kalaingar Nagar,
Vilar Road,
Thanjavur - 613 006.

W.P. No. 11283 of 2015

VSN II(CO)
CB(16/09/2020)

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