

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2020

CORAM

THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.P.No. 34621 of 2007
and M.P.Nos. 1 & 2 of 2007

Smt.D.Santha Kumari

..Petitioner

Vs

1.The Special Tashildar,
Adi Dravidar & Tribal Welfare,
Gingee, Villupuram Dist.

2.The Special Tashildar,
Adi Dravidar & Tribal Welfare,
Tindivanam, Villupuram Dist.

3.The District Adi Dravidar & Tribal Welfare Officer,
Villupuram, Villupuram Dist.

4.The Director of Adi Dravidar & Tribal Welfare,
Chennai-05.

5. The Accountant General,
Officer of the Accountant General (A&E),
No.361, Anna Salai, Chennai-18.

..Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India for writ of certiorarified mandamus, calling for the records only pertains to miscellaneous audit objection to recover a sum of Rs.31,145/- (Rupees Thirty one thousand one hundred and forty five only) from the DCRG of the Pettitioner herein as per letter of the Respondent No.3 herein, ROC(M3)/21750/2006 dated 30.05.2006 and quash the same.

For Petitioner : No Appearance

For Respondents : Mr.P.Chinnadurai,
AGP for R1 to R4
No Appearance for R5

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O R D E R

The prayer sought for in the writ petition is to call for the records only pertains to miscellaneous audit objection to recover a sum of Rs.31,145/- (Rupees Thirty one thousand one hundred and forty five only) from the DCRG of the Pettitioner herein as per letter of the Respondent No.3 herein, ROC(M3)/21750/2006 dated 30.05.2006 and quash the same.

2. Today when the matter was taken up for consideration there was no representation for the petitioner. The learned Additional Government Pleader has filed a counter affidavit dated 10.11.2011 on behalf of the 2nd respondent and submitted that as per the authorisation of the Audit General (A&E) dated 24.01.2009 the petitioner was sanctioned pension. The relevant portion in the counter is extracted below;

"5. I submit that with regard to paragraph No.9 the pension was sanctioned to the petitioner as per the authorization of the Audit General (A&E) Chennai Lr.No.PO9/5S158-1018/Rtd/2008-09/10678 dated 24.01.2009 and she was receiving monthly pension Rs.6025/-. During the pendency of this writ petition the writ petitioner died on 23.11.2009 and the same was intimated to this respondent office."

3. Recording the counter affidavit and the submissions made by the learned Additional Government Pleader and taking note of the fact that the petitioner died in the year 2009 itself and no application has been filed by the legal heirs of the petitioner to proceed with the writ petition, this writ petition is liable to be dismissed.

4. Accordingly, the writ petition is dismissed as infructuous as well as abated. No costs. Consequently, connected Miscellaneous Petitions are closed.

सत्यमेव जयते
Sd/-

Assistant Registrar

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Sub Assistant Registrar

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To

1.The Special Tashildar,
Adi Dravidar & Tribal Welfare,
Gingee, Villupuram Dist.

2.The Special Tashildar,
Adi Dravidar & Tribal Welfare,
Tindivanam, Villupuram Dist.

3.The District Adi Dravidar & Tribal Welfare Officer,
Villupuram, Villupuram Dist.

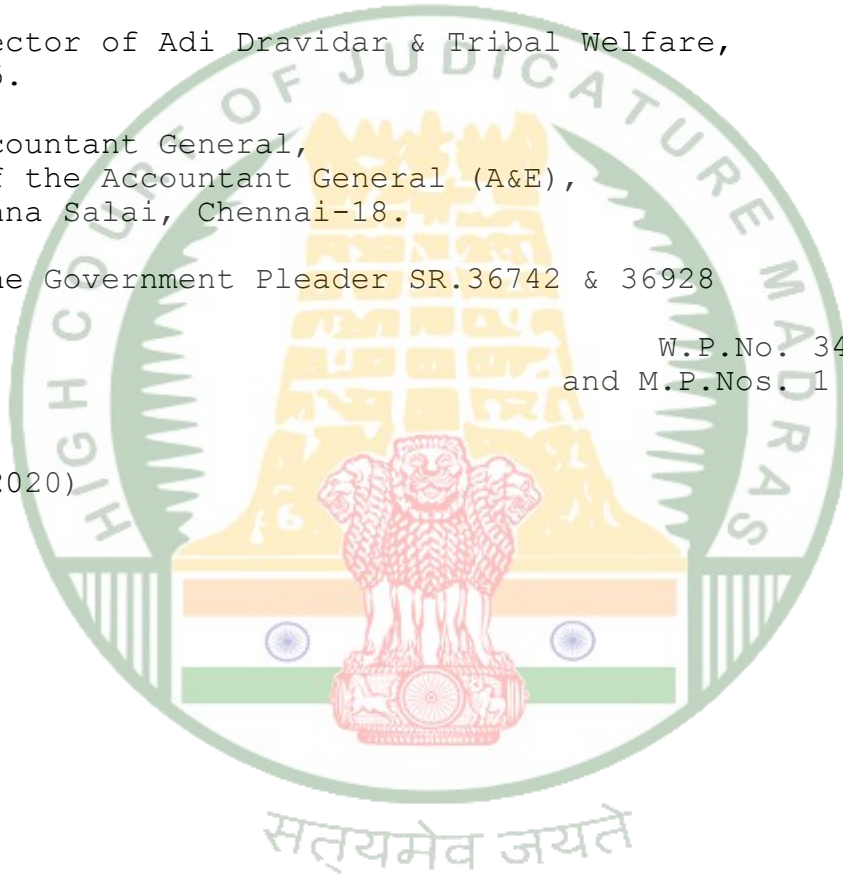
4.The Director of Adi Dravidar & Tribal Welfare,
Chennai-05.

5. The Accountant General,
Officer of the Accountant General (A&E),
No.361, Anna Salai, Chennai-18.

+1cc to the Government Pleader SR.36742 & 36928

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