

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2020

CORAM

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

W.P. No. 22562 of 2010

B.V. Krishnammal

... Petitioner

-vs-

The Government of India,
Represented by its Secretary,
Freedom Fighters' Pension Section,
Ministry of Home Affairs,
North Block,
New Delhi - 110 001.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondent to forthwith grant "Swantantrata Sainik Samman Pension" to the Petitioner's husband namely Late B.V. Viswanathan and consequently grant Family Pension by considering and passing order on the representation of the Petitioner dated 24.07.2010.

For Petitioner : Mr. K. Selvaraj

For Respondent : Mr. G. Karthikeyan,
Assistant Solicitor General of India

O R D E R

(through video conference)

The Writ Petition has been filed to grant "Swantantrata Sainik Samman Pension" to the husband of the Petitioner Late B.V. Viswanathan, and consequently grant Family Pension by considering and passing order on the representation dated 24.07.2010 made by the Petitioner.

2. When the matter came up for hearing on 23.07.2020, Learned Counsel for the Petitioner had informed that the Petitioner has expired and sought time for the legal heirs for filing necessary application to bring them on record to further prosecute the Writ Petition.

3. Learned Assistant Solicitor General of India appearing for the Respondent, referring to the provisions contained in the Scheme, asserted that the cause of action does not survive for the legal heirs to continue the proceedings. Learned Counsel for the Petitioner then sought time to verify the legal position in that regard and the matter has been listed today.

4. It is informed by the Learned Counsel for the Petitioner that he had been orally informed that the Petitioner died last year, leaving behind her son and daughters, but they are yet to contract him to file necessary application to continue the proceedings.

5. In the aforesaid circumstances, the Writ Petition stands dismissed as abated with clarification that no view has been expressed by this Court on the entitlement of the legal heirs of the deceased Petitioner to continue the proceedings and that the said question has been left open to be decided, if it arises, in future. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vjt

To

The Secretary to the Government of India,
Freedom Fighters' Pension Section,
Ministry of Home Affairs,
North Block,
New Delhi - 110 001.

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CP(CO)
SP(12/08/2020)

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