

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.01.2020

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.25584 of 2012
and M.P.No.1 of 2012

E.Pappammal

...Petitioner

Vs.

1.The Chief Post Master General(PLI)
Tamil Nadu Circule,
Chennai - 600 002.

2.J.Selvashankari

...Respondents

(R2 impleaded as per order
dt.15.11.2012 in M.P.No.2/12)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking for an issuance of a writ of Certiorarified Mandamus calling for the records of the respondent herein in L1/No.DC.459/DEO.16/dt.04.09.2012 and quash the same and direct the respondent herein to disburse the amount accrued under PLI Policy No.TN 363345-CS.

For Petitioner : Mr.G.Jeremiah

For Respondent No.1 : Mr.J.Madanagopal Rao
Standing Counsel

For Respondent No.2 : Served - No appearance

ORDER

This writ petition has been filed challenging the order dated 04.09.2012 passed by the first respondent rejecting the claim of the petitioner for the proceeds of PLI Policy No.TN 363345-CS on the ground that her daughter-in-law viz.,J.Selvashankari is the nominee under PLI Policy No.TN 363345-CS and has not given consent for payment of the proceeds to the petitioner who is her mother-in-law.

2.It is the case of the petitioner that her son viz., E.Ravichandran, during his life time, had taken a PLI policy under Policy No.TN 363345-CS with the first respondent appointing the second respondent who was his wife as the nominee. O.P.No.3086 of 2010 was filed by the second respondent

for divorce against E.Ravichandran before the I Additional Family Court, Chennai. By a consent decree for divorce dated 26.03.2011, the I Additional Family Court dissolved the marriage between the second respondent and E.Ravichandran. As per the joint memorandum of compromise entered into between the second respondent and the petitioner's son E.Ravichandran, the second respondent has declared that he has no claim against E.Ravichandran for maintenance or for any other payment and the same has been recorded by the Family Court. However, by the impugned order dated 04.09.2012, the claim made by the petitioner, who is the mother of the deceased E.Ravichandran and is the only legal heir as per the legal heirship certificate dated 04.11.2011, has been rejected on the ground that the second respondent is the nominee of E.Ravichandran under PLI Policy No.TN 363345-CS. Aggrieved by the rejection order dated 04.09.2012, this writ petition has been filed.

3.Heard Mr.G.Jeremiah, learned counsel appearing for the petitioner and Mr.J.Madanagopal Rao, learned Standing Counsel appearing for the first respondent.

4.By an earlier order dated 29.01.2020, this Court directed the Senior Central Government Standing Counsel appearing for the respondent to verify whether any claim has been made in respect of PLI Policy No.TN 363345-CS by the second respondent subsequent to the dissolution of her marriage with the petitioner's son. Today, the learned Senior Central Government Standing Counsel appearing for the respondent has produced a letter dated 30.01.2020 from the office of the Chief Postmaster General, TN Circle, Chennai - 600 002 to the Assistant Director, Legal Cell, Office of the Chief Postmaster General, Chennai - 600 002 stating that from their available records, no claim has been received by their office from the second respondent in respect of PLI Policy No.TN 363345-CS.

5.Admittedly, the petitioner who is the mother of E.Ravichandran is his only legal heir, as seen from the legal heirship certificate issued by the Tahsildar, Purasaivakkam, Perambur Taluk, Chennai - 600 011, on 04.11.2011 for E.Ravichandran. Considering the fact that (a) no claim has been made by the second respondent even after the lapse of almost 9 years from the date of dissolution of the marriage between the second respondent and her erstwhile husband E.Ravichandran, (b) the second respondent having declared that she has no claim against E.Ravichandran which has been recorded in the divorce decree, (c) the petitioner being the mother and the only legal heir as evidenced from the legal heirship certificate dated 04.11.2011 issued by the Tahsildar,

Purasaiyakkam, Perambur Taluk, Chennai - 600 011, this Court is of the considered view that the impugned order dated 04.09.2012 passed by the first respondent has to be quashed as there is no justification for rejection of the claim made by the petitioner. Accordingly, the impugned order dated 04.09.2012 passed by the first respondent is hereby quashed and this Court directs the first respondent to disburse the amount accrued under PLI Policy No.TN 363345-CS to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

6.With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Chief Post Master General (PLI)
Tamil Nadu Circle,
Chennai - 600 002.

+1 cc to M/s.G.Jeremiah, Advocate Sr.No. 7987

AKM/05.02.2020/3P-3C /

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