

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 05.01.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.23331 of 2004

M.Laila

..... Petitioner

Vs.

1.Thaiyanayagi

2.Ammaniammal

3.Mylam Panchayat Block Development Officer,
Kuttiraripet,
Thindivanam Taluk,
Villupuram District.

4.The District Collector,
Villupuram District.

..... Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pay a sum of Rs.1,00,000/- which was deposited by the petitioner's husband before his death under Group Insurance Scheme to the entitled petitioner herein and to provide employment to the petitioner's son which he is entitled to on compassionate grounds.

For Petitioner : Mr.Shivakumar

For Respondents 3 & 4 : Mr.K.Magesh
Special Government Pleader

ORDER

The prayer sought for in this writ petition is to issue a writ of mandamus directing the respondents to pay a sum of Rs.1,00,000/-, which was deposited by the petitioner's husband before his death under Group Insurance Scheme to the entitled petitioner herein and to provide employment to the petitioner's son which he is entitled to on compassionate grounds.

2.The petitioner's husband, when he was alive, has paid money to the first and second respondent Village Panchayat for

the purpose of Group Insurance and according to the Insurance Scheme, on death, the person, who got insured, will be paid a sum of Rs.1,00,000/-, accordingly the said premium was paid to the first and second respondents, being the then Village Panchayat Presidents.

3.In this context, it is the further case of the petitioner that, on 21.06.2000 the petitioner husband died, therefore, the one lakh rupees, on death, the legal heir i.e., the petitioner, who is the wife of the deceased, is entitled to get and since the same was not paid to the petitioner, she has filed the present writ petition with the aforesaid prayer.

4.I have heard Mr.K.Magesh, learned Special Government Pleader appearing for respondents 3 and 4, who, on instructions, would submit that, as per the Scheme, since the petitioner's husband have paid any premium for the Group Insurance Scheme, the petitioner would be entitled to get the matured amount or the amount payable on the death of the insured person and in this regard, it seems that, there has been some misunderstanding or communication gap between the petitioner and the first and second respondents. However, since the first and second respondents are no more in Office as the President of the concerned Village Panchayat, however the records would be available with the third respondent, who is the Block Development Officer of the Mylam Panchayat Union and therefore, in this context, if the petitioner makes a request to the third respondent along with the details of the premium paid by her husband, the same would be forwarded by the third respondent to the Life Insurance Corporation of India, who is the insurer, who has to pay the amount as claimed by the petitioner.

5.In view of the said submission made by the learned Special Government Pleader appearing for respondents 3 and 4, this Court feel that, this writ petition can be disposed of with the liberty to the petitioner to make a request to the third respondent with details of insurance and on making such application, it can be forwarded by the third respondent with the details available with the third respondent Office to the Life Insurance Corporation of India to do the needful, accordingly, the present writ petition is disposed of with the following orders.

The petitioner shall make a request to the third respondent with all details of the Insurance made and the premium paid by the petitioner's husband within a period of two weeks from the date of receipt of a copy of this order and on receipt of such request along with the copy of this order from the petitioner, the third respondent, after scrutinising the same and

after verifying the available records in this regard either in the first and second respondent Village Panchayat or in the third respondent Office, shall forward the same with their comments and recommendations to the Life Insurance Corporation of India, who, on receipt of such forwarding communication from the third respondent, shall look into the matter and decide the same and in this context, if the petitioner is really deserved to get any sum assured, in view of the death of her husband, who died on 21.06.2000, the same shall be calculated and be paid to the petitioner within a reasonable time thereafter.

6. With these above directions and observations, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

Sgl
To

1. Mylam Panchayat Block Development Officer,
Kuttiraripet, Thindivanam Taluk,
Villupuram District.

2. The District Collector,
Villupuram District.

3. The Government Advocate,
High Court, Madras.

+1cc to M/s.K.Magesh, Advocate Sr.288

+1cc to M/s.Shivakumar and Suresh, Advocate Sr.932

+1cc to the Government Pleader Sr.530

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kv[co]
srg 01/02/2021