

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.3867 of 2014

and

M.P.No.1 of 2014

Jennathu Niza

...Petitioner

Vs.

1. State of Tamilnadu
Rep. by its Secretary,
Department of Rural Development and Panchayat Raj,
Fort St.George,
Chennai - 600 009.
2. The Commissioner,
Rural Development and Panchayat Raj,
Panagal Building, Saidapet,
Chennai - 600 015.
3. The Commissioner,
Panchayat Union,
Sembanar Koil,
Nagapattinam District.
4. The Director (Administration)
Department of Medicine and Rural Development,
No.354, Anna Salai,
Chennai - 600 006.

... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to implement the judgments of the Civil Court namely A.S.No.136 of 2000 on the file of Principal District Judge at Nagapattinam dated 04.01.2001 and A.S.No.8 of 2003 dated 29.09.2006 on the file of Additional District Judge at Karikal, by disbursing the retirement benefits such as Provident Fund, Gratuity, Family Welfare Fund, pension and other retirement benefits of deceased Dr.K.A.Mohammad Usman to the petitioner, as the petitioner is the legally wedded wife to deceased Dr. K.A.Mohammad Usman.

For Petitioner	: Mr.S.Balasubramanian
For Respondents	: Mr.P.Chinnadurai
	for R1, R2 and R4

Additional Government Pleader
Mr.N.Srinivasan for R3

O R D E R

The petitioner has filed this writ petition seeking direction to the the respondents to implement the judgments namely A.S.No.136 of 2000 dated 04.01.2001 passed by the learned Principal District Judge at Nagapattinam and A.S.No.8 of 2003 dated 29.09.2006 passed by the learned Additional District Judge at Karaikal, by disbursing the retirement benefits of deceased Dr.K.A.Mohammad Usman to the petitioner, as she is his legally wedded wife.

2.The case of the petitioner is as follows:

2.1 She is the legally wedded wife of deceased Dr.K.A.Mohammad Usman who died on 28.03.1997 while he was in service as Siddha Doctor at Thirukalacherai under the control of the respondents. Thereafter, the petitioner made representation to the respondents seeking retirement benefits of her husband, however, the same were denied on the ground that several ladies claim to be the legally wedded wife of deceased Dr.K.A.Mohammad Usman.

2.2 The petitioner further stated that she filed O.S.No.181 of 1999 before the learned District Munsif, Nagapattinam, for passing over the properties of her husband to her for maintenance, but the said suit was dismissed. Challenging the same, she filed A.S.No.136 of 2000 before the learned Principal District Judge at Nagapattinam and the said appeal was allowed on 04.01.2001.

2.3 While so, one Haija Gani filed O.S.No.240 of 1999 before the learned District Munsif at Karaikal to declare that she is the legally wedded wife of the deceased Dr.K.A.Mohammad Usman and obtained an exparte decree on 12.11.1999. Thereafter, the petitioner filed O.S.No.185 of 2000 before the learned District Munsif at Karaikal to declare the decree in O.S.No.240 of 1999 as null and void, but the said suit was dismissed. Challenging the same, the petitioner filed A.S.No. 8 of 2003 before the learned Additional District Judge at Karaikal and the said appeal was allowed on 29.09.2006.

2.4 Thereafter, the petitioner produced all the necessary documents to the third respondent and made representation seeking retirement benefits due to her husband, however, the same were not disbursed to her, till date. Hence, this writ petition.

3.Today, when the matter was taken up for consideration, the learned Additional Government Pleader appearing for the respondent authorities submitted that copies of certain

documents are called for from the petitioner and as soon as the petitioner produces the same, the respondents will consider the claim of the petitioner.

4.The learned counsel appearing for the petitioner sought time for production of the copies of the documents as called for by the respondents.

5.In view of the above, the petitioner is directed to produce the copies of the documents called for from her to the respondents, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents are directed to consider the claim of the petitioner and pass appropriate orders, within a period of six weeks thereafter.

6.Accordingly, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Secretary,
Department of Rural Development and Panchayat Raj,
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Chennai - 600 009.
- 2.The Commissioner,
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Nagapattinam District.
- 4.The Director (Administration)
Department of Medicine and Rural Development,
No.354, Anna Salai,
Chennai - 600 006

+1 CC to Mr.S. Balasubramanian, Advocate sr 4978
+1 CC to Mr.N. Srinivasan, advocate sr 5133.
+1 CC to The Government Pleader sr 5371.

W.P.No.3867 of 2014
And
M.P.No.1 of 2014

RK (CO)
SP (09/07/2021)



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