



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 8722 of 2016

Pavithra

...Petitioner

VS

1.The Superintendent of Police,
Thiruvannamalai,
Thiruvannamalai District.

2.Ponnurangam

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the first respondent to consider the petitioner's representation and objection dated 05.02.2016 in accordance with law and within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.K.G.Senthilkumar

For Respondents : Mr.K.M.D.Muhilan
Government Advocate for R1
Mr.E.Sathiyaraj for R2

O R D E R

The relief sought for in the present Writ Petition is to direct the first respondent to consider the petitioner's representation and objection dated 05.02.2016 in accordance with law.

2. The petitioner states that she is the second wife of Mr.Desingu who got married with her after the death of his first wife on 15.02.2009 at Sri Kambathilaiyanar Sannithi, Thiruvannamalai according to the Hindu Rites and Customs and it is an arranged marriage. The said Desingu committed suicide on



01.06.2015 and the case was registered by the Thellar Police in Crime No. 215 of 2013 under Section 174 of Cr.P.C. After the death of her husband, the second respondent who is the father of the deceased Police Man obtained a legal heir certificate omitting the name of the petitioner and therefore, the petitioner instituted a Civil Suit in O.S. No. 37 of 2015.

3. The learned counsel for the second respondent made a submission that the said suit was dismissed for non prosecution. However, it is not made clear whether the suit was restored by the plaintiff or not.

4. It is contended that the writ petitioner was not a legally wedded wife of the deceased Police Man. Such a dispute cannot be decided in a writ proceedings under Article 226 of the Constitution of India. The petitioner is bound to establish her marriage with the deceased Police Man Desingu and only in the event of establishing the marriage, she will be entitled to get the terminal benefits as well as family pension. However, the second respondent cannot claim family pension. Family pension is to be sanctioned only in favour of the spouse of the deceased Police Man. Thus, the petitioner is at liberty to pursue her remedy in the manner known to law and establish that she is the legally wedded wife of the deceased Police Man Mr.Desingu and if any such evidence is produced, thereafter the authority competent may consider the case of the writ petitioner for grant of the terminal benefits and family pension.

5. With these observations, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

vji / nti

To

1.The Superintendent of Police,
Thiruvannamalai,
Thiruvannamalai District.



2.The Public Prosecutor,
High Court,
Madras.

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+1cc to Mr.E.Sathiyaraj, Advocate SR.No.48907

+1cc to the Government Pleader SR.No.49417

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BS(CO)
RVM(20/10/2021)