



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) .No.19887 of 2020

and W.M.P. (MD) .No.16581 of 2020

1.P.Raja
2.P.Maruthupandi
3.P.Lathamaju
4.P.Maheshwari

... Petitioners

Vs.

1.The Superintendent of Police,
O/o. The Superintendent of Police,
District Police Station,
Trichy.

2.P.Veeramani

3.P.Jaisankar

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, seeking for direction forbear the respondent No.1 from disbursing the pension benefits to respondent Nos.2 and 3.

For Petitioners : Mr.M.Mahaboob Fazil
for Mr.T.Lajapathi Roy

For Respondents : Mrs.VPM.Vaishnavi for R1
Government Advocate

Mr.P.Ganapathi Subramanian
for R2 & R3

O R D E R

Heard Mr.M.Mahaboob Fazil, learned counsel for the petitioner, Mrs.VPM.Vaishnavi, learned Government Advocate, appearing for the first respondent and Mr.P.Ganapathi Subramanian, learned counsel for the respondents 2 and 3.

2.The dispute with regard to the claim of pensionary benefits of late Periyannan is between the petitioners herein and the respondents 2 and 3. Both the parties have claimed that they are entitled for the pension benefits. In connection with this dispute, the respondents 2 and 3 had filed a suit in O.S.No.244 of 2010, by impleading the official respondents, who are the authorities to disburse the pension benefits. The suit came to be dismissed by the trial court and also as the appeal in A.S.No.29 of 2014. The



petitioners herein claimed to have filed a second appeal, which is pending before this Court.

3. When the official respondents, who are the authorities to disburse the pension benefits, are also parties in the civil litigations and both the rival claimants are fighting for their entitlement, it would not be appropriate for this Court to interfere and adjudicate the same issue by invoking its power under Article 226 of the Constitution of India. Such simultaneous adjudication is also impermissible in law.

4. Hence, the writ petition stands dismissed with liberty to the petitioner to work out their remedies before the concerned civil forums. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

The Superintendent of Police,
O/o. The Superintendent of Police,
District Police Station, Trichy.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-4193[F] dated 10/02/2021)

+1 CC to SGP (SR-4274[F] dated 10/02/2021)

W.P. (MD) .No.19887 of 2020

09.02.2021

KM (03.03.2021) 2P 4C