



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9815 of 2019

R.Rajammal

... Petitioner

Vs.

1.The Tamil Nadu Water and Drainage Board,
Rep by its Administrative Engineer,
Maintenance Division,
No.5/1, College Road,
Second Cross Street,
Odakkadu Thiruppur Taluk,
Thiruppur District.

2.Backiyamani

3.Usha

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to release the petitioner husband death benefits and other monitory benefits to the petitioner based on the representation of the petitioner dated 23.08.2018.

For Petitioner : M/s.R.Murugabharathi

For R1 : No Appearance

For R2 & R3 : Mr.C.S.Saravanan



ORDER

The petitioner states that as per the legal heir certificate and the nomination in the Service Records, she is entitled for the terminal and pensionary benefits due to the deceased employee Late.P.Rajendran, who was employed in the Tamil Nadu Water and Drainage Board.

2. However, the learned counsel appearing on behalf of the respondents 2 and 3 made a submission that the 2nd respondent Smt.Backiyamani is the first legal wife of the deceased employee and the 3rd respondent is the daughter born from and out of wedlock between the deceased employee and the 2nd respondent. By suppressing the material fact, the writ petitioner obtained a legal heir certificate from Tahsildar, Kangeyam and therefore, the legal heir certificate is invalid.

3. Legal heir certificates are issued based on the application submitted. Therefore, an enquiry is to be conducted regarding issuance of legal heir certificate. In the present case, since the respondents 2 and 3 are claiming as legal heir of the deceased employee. Under these circumstances the respondents 2 and 3 are at liberty to approach the Tahsildar for



appropriate remedy in respect of the erroneous legal heir certificate issued in favour of the writ petitioner.

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4. In the event of any further dispute in the legal status of the marriage they have to approach the competent Civil Court of Law for the purpose of resolving the issues. Unless the disputes are resolved, the 1st respondent may not be in a position to settle the terminal benefits. Accordingly, the parties are at liberty to approach the competent Civil Court of Law.

5. With this liberty, the Writ Petition stands disposed of. No costs.

29.11.2022

Jeni
Index : Yes
Speaking order

To

The Administrative Engineer,
The Tamil Nadu Water and Drainage Board,
Maintenance Division,
No.5/1, College Road,
Second Cross Street,
Odakkadu Thiruppur Taluk,
Thiruppur District.



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S.M.SUBRAMANIAM, J.

Jeni

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