



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.14512 OF 2022

AND

W.M.P NO.13713 OF 2022

R.Jamuna

... Petitioner

.Vs.

1. The Commissioner of Police
Vepery, Chennai-600 007.
2. The Joint Commissioner (Head Quarters),
Central Crime Branch,
Commissioner of Police Buildings,
Vepery, Chennai - 600 007.
3. The Assistant Deputy Commissioner,
Central Crime Branch,
Commissioner Office Buildings,
Vepery, Chennai - 600 007.

4. Ms.R.Gangamani

... Respondents

PRAYER:-

Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1 to 3 to disburse the amount due to the deceased Rajkumar to the petitioner as per the Will dated 04.08.2021 registered as Document No.104/2021.

For Petitioner : Mr.R.Singaravelan
Senior Counsel
For Mr.M.Muruganantham

For Respondents : Mr.Veda Bagath Singh
Special Government Pleader
For R1 to R3



ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

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2. According to the writ petitioner, the writ petitioner is the mother of the deceased employee Rajkumar. While he was serving as Head Constable at Central Crime Branch, Commissioner Office, Vepery, Chennai-7, he died due to Thyroid cancer. The 4th respondent is the wife of the petitioner's son Rajkumar and she deserted him and she was living with her parents. A divorce petition was also filed by the deceased in H.M.O.P No.91 of 2020 before the Family Court, Thiruvallur. Hence, he has executed a registered Will as Document No.104/2021 dated 04.06.2021 in favour of the petitioner. But, now the 1st respondent is likely to disburse the death cum gratuity amount to the 4th respondent. Hence, she made a representation to the 1st respondent to disburse the terminal benefits of the deceased son to the petitioner, but the same was not considered till date. Hence, this writ petition.

3. Mr.Veda Bagath Singh, learned Special Government Pleader takes notice for the respondents 1 to 3 and he would submit if any such representation of the petitioner was received by the respondents, the same will be considered after providing an opportunity to the 4th respondent, on merits and in accordance with law.

4. In view of the aforesaid submissions and also considering the limited scope of the prayer, without expressing any opinion on merits, in the interest of justice, this Court is inclined to direct the 1st respondent to consider the petitioner's representation dated 25.05.2022, after providing an opportunity to the 4th respondent, and pass appropriate orders on its own merits and in accordance with law, as expeditiously as possible within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner shall make her representation to the 1st respondent along with a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar



To

- JPL (CO)
PBS/27/06/2022