



W.P.(MD)No.2600 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2600 of 2020

Meenaktchi

... Petitioner

Vs.

- 1.The District Collector
O/o. the District Collector,
Karur,
Karur District.
- 2.The Executive Officer
O/o.The Executive Officer,
Puliyur
Selection Grade Town Panchayat,
Puliyur,
Karur District.

3.Nandhakumar

4.V.Karthik

(R3 and R4 are impleaded vide Court Order,
dated 29.03.2022 in WMP(MD).2845 of 2020)

... Respondents

1/6



W.P.(MD)No.2600 of 2020

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondent No.1 to direct the respondent No.2 for nominate the petitioner's name by Meenakchi wife of Late. P.Veeran and the petitioner's daughter by name Gowri daughter of Late. P.Veeran in the petitioner's service book by considering the petitioner's representation, dated 26.09.2008.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.K.Christy Theboral - for R1
Additional Government Pleader
: Mr.T.Vel Pradeep - R2 & R4

ORDER

This Writ Petition has been filed to direct the respondent No.1 to direct the respondent No.2 for nominate the petitioner's name by Meenakchi wife of Late. P.Veeran and the petitioner's daughter by name Gowri daughter of Late. P.Veeran in the petitioner's service book by considering the petitioner's representation, dated 26.09.2008.



W.P.(MD)No.2600 of 2020

WEB COPY

2. The learned counsel for the petitioner would submit that the dispute between the petitioner and the private respondents is with regard to entitlement of the terminal benefits of late.P.Veeran, whereas, the petitioner claimed that she is the legally wedded wife and the private respondents are the second wife's children and they are not entitled to receive the benefits. Hence, the present writ petition is filed to enter her name in the service book by considering the petitioner's representation. dated 26.09.2008. However, during pendency of the writ petition, the petitioner passed away.

3. The learned counsel for the petitioner would submit that though the petitioner is passed away, however, during her life time, there was a suit pending between the deceased petitioner and the private respondents in O.S.No.553 of 2019, on the file of the Principal District Munsif, Karur and in view of the above, this Court permits the legal heirs of the deceased petitioner as well as the private respondents to adjudicate the issue before the Civil Court and grant liberty to the succeeding party



W.P.(MD)No.2600 of 2020

WEB COPY

to file a fresh application before the official respondent for disbursement of the terminal benefits.

4. Recording the same, this writ petition is disposed of with liberty to the deceased petitioner's legal heirs and the private respondents to adjudicate the issue before the civil Court where the civil suit is pending and granted liberty to the successful party to make a claim before the official respondent for disbursement of the terminal benefits.

No costs.

12.12.2022

Index :Yes/No
Internet : Yes / No
RM



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W.P.(MD)No.2600 of 2020

M.DHANDAPANI,J.

RM

W.P.(MD)No.2600 of 2020

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