



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.01.2022

CORAM :

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THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.3607 of 2020

K.Kannika

Petitioner

Vs.

1.The District Collector,
Madurai District,
Collectorate Buildings,
Madurai - 20.

2.Block Development Officer (Panchayat),
Madurai West Panchayat,
Madurai.

3.President,
Chettikulam Panchayat,
Madurai North Taluk.

4.K.Murugan

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to disburse Group Insurance Scheme amount, in respect of Kailasam (deceased) over Head Tank Operator, Chettikulam Panchayat at Madurai North Taluk to the petitioner and fourth respondent with accrued interest within stipulated time fixed by this Court, based on the representation dated 18.09.2019.

For Petitioner

:Mr.S.Sivaprakash

For Respondents

:Mr.J.Ashok,

Additional Government Pleader

O R D E R

This writ petition is filed to direct the respondents to disburse Group Insurance Scheme amount of Kailasam, who died while working as Head Tank Operator, Chettikulam Panchayat at Madurai North Taluk, to the petitioner and the fourth respondent, who are the legal heirs of the deceased Kailasam, by considering the representation of the petitioner, dated 18.09.2019.



2.The case of the petitioner is that the petitioner's father, namely Kailasam died while working as Head Tank Operator, Chettikulam Panchayat at Madurai North Taluk. He had two wives and four children. Out of them, the petitioner and the fourth respondent are only alive at present. According to the petitioner, the legal heirs of the deceased Kailasam already moved a writ petition before this Court in W.P.(MD) No.7035 of 2007 and this Court by order dated 27.02.2013 directed the concerned authorities to disburse the amount payable to them appropriately, within a period of eight weeks from the date of receipt of a copy of that order. Since the authorities have not disbursed the insurance amount to the legal heirs of the deceased Kailasam, the petitioner approached the respondent on 15.11.2017 and made representation. Further representation was also made by the petitioner on 18.09.2019. Even after several representations made by the petitioner, no action has been taken by the authorities for disbursement of the insurance amount. Hence, this petition.

3.Mr.J.Ashok, learned Special Government Pleader submits that since there was dispute among the family members of the deceased Kailasam, the process could not be completed and he also raised certain objections that the scheme is of the year 2003 and over this period, the scheme does not exist. He further submits that instead of filing contempt petition, this writ petition is filed for a Mandamus.

4.This Court paid its anxious consideration to the rival submissions made and also perused the materials placed on record.

5.It is seen that the petitioner's father died in the year 2003. As per the existing policy, insurance amount has to be calculated and ought to have been paid to the legal heirs. When there is dispute among the family members, writ petition was also filed before this Court and this Court directed the authorities to divide the insurance amount by four and pay the respective shares to the legal heirs . The order has been passed on 27.02.2013. It appears that the respondents have not taken any action for disbursement of the insurance amount. The petitioner also failed to file contempt petition. Thereafter, he submitted another representation, dated 18.09.2019. The respondents have not passed any orders so far and therefore, this Court is inclined to issue the following directions. The respondent shall consider the representation of the petitioner dated 18.09.2019, in the light of the orders passed in W.P(MD)No.7035 of 2007, dated 27.02.2013, within a period of 12 weeks from the date of receipt of a copy of this order, after providing an opportunity to the respective parties.



6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (W)

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// True Copy //

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Sub Assistant Registrar(CS)

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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

1. The District Collector,
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Collectorate Buildings,
Madurai - 20.
 2. The Block Development Officer (Panchayat),
Madurai West Panchayat,
Madurai.
 3. The President,
Chettikulam Panchayat,
Madurai North Taluk.
- +1 CC to M/s.SPL GP (SR-1277[F] dated 11/01/2022)

W.P(MD) No.3607 of 2020

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RK(18/02/2022) 3P 5C