



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.5399 of 2022

L.Baskar

... Petitioner

Vs.

1.The Deputy Secretary to Government,
Home (Citiz.II) Department,
Secretariat,
Chennai - 600 009.

2.The District Collector,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to disburse the petitioner's paternal uncle's death compensation an amount of Rs.22,34,379/- to the petitioner based on his representations dated 09.02.2022 and 21.03.2022 within a stipulated time fixed by this Court.

For Petitioner : Mr.M.Thangadurai

For Respondents 1&2 : Mr.D.Sasikumar

Additional Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to disburse the petitioner's paternal uncle's death compensation amounting to Rs.22,34,379/- to the petitioner based on his representations dated 09.02.2022 and 21.03.2022 within a time frame to be fixed by this Court.

2.The case of the petitioner is that his paternal uncle Soundararaj died in Kuwait on 27.10.2015 in a road accident. According to him, the Kuwait Government paid a compensation of Rs.22,34,379/-. It is his case that the first respondent has also confirmed the receipt of the said sum from the Kuwait Government by its letter dated 12.10.2021. The petitioner claims that he is the adopted son of the deceased Soundararaj. It is also his case that the wife of Soundararaj is also dead and he is his only legal heir. The petitioner has given representations on 09.02.2022 and 21.03.2022 to the respondents requesting them to disburse the compensation amount of Rs.22,34,379/- to him. Since the said representations have not been considered till date, the petitioner has filed this writ petition.



3.Heard Mr.M.Thangadurai, learned Counsel appearing for the writ petitioner and Mr.D.Sasikumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

4.On instructions, learned Additional Government Pleader would submit that the petitioner has to establish that he is a legally adopted son and that he is the only legal heir, by filing necessary documents.

5.Learned Counsel for the petitioner on instructions would submit that the petitioner is willing to submit all necessary documents to the respondents. The said statement is recorded.

6.No prejudice would be caused to the respondents if the petitioner's representations are considered on merits and in accordance with law after affording a fair hearing to the petitioner.

7.Accordingly, this Court directs the second respondent to consider the petitioner's representations dated 09.02.2022 and 21.03.2022, requesting the second respondent to disburse the petitioner's paternal uncle's death compensation amounting to Rs.22,34,379/- and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing within a period of three [3] months from the date of receipt of a copy of this order.

8.With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

1.The Deputy Secretary to Government,
Home (Citiz.II) Department,
Secretariat, Chennai - 600 009.

2.The District Collector, Tirunelveli District.

+1 CC to M/s.SPL GP (SR-15051[F] dated 29/03/2022)

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