



W.P.(MD)No.10210 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10210 of 2020

Dhanapal Gnanaolivu

... Petitioner

Vs

1.The Commissioner,
Employees Provident Fund Organization,
Regional Office,
Chokkikulam,
Madurai District.

2.The Assistant Commissioner,
Employees Provident Fund Organization,
Chokkikulam,
Madurai District.

3.The Secretary,
Blessing Matric Higher Secondary School,
Achampath,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to disburse the petitioner's sister, namely, Amalajothi's Employees Provident Fund Amount paid in policy No.PF A/c.No.MD/MDU/57319/80, immediately to the petitioner without requesting for succession certificate as demanded by the respondents.



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For Petitioner : Mr.S.Thanga Raj

For Respondents : Mr.P.Karthick
Standing Counsel for R.1 & R.2

No Appearance for R.3

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing Counsel appearing for the respondents 1 and 2.

2. The petitioner's cousin - Amalajothi was worked in the third respondent School. She died on 08.09.2017. The petitioner is laying claim on the amount lying on her provident fund account. The petitioner is unable to produce any legal heir certificate. The deceased appears to have died as spinster. She did not leave behind any class one legal heirs. The petitioner was not nominated to receive the provident fund benefits. In these circumstances, the petitioner has to necessarily file Succession Original Petition before the jurisdictional Court and only thereafter he can claim on the Provident Fund amount of his cousin lying with the Provident Fund authorities.



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3. Granting liberty to the petitioner to move before the jurisdictional

Court, this writ petition is disposed of. No costs.

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Index : Yes / No

Internet : Yes/ No

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To

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2.The Assistant Commissioner,
Employees Provident Fund Organization,
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