



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.13871 of 2020

and

W.M.P. (MD) No.11520 of 2020

D.Radha

... Petitioner

-vs-

1. The Principal Secretary/
Commissioner of Treasuries and Accounts,
Nandanam, Chennai-600 035.
2. Regional Joint Director of Treasuries and Accounts,
Madurai-625 020.
3. The District Treasury Officer,
Pudukottai District, Pudukottai.
4. The Revenue Divisional Officer,
Pudukottai District, Pudukottai.
5. The Thasildhar,
Thirumayam Taluk,
Pudukottai District.

6. Tmt.M. Anjalai

... Respondents

[R6 is impleaded vide Court order dated 26.10.2021 in
W.M.P. (MD) No.11946 of 2021 in W.P. (MD) No.13871 of 2020]

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call the records in pursuant to the impugned order passed by the 3rd respondent in Na.Ka.No.2166/2020/M dated 16.06.2020 and quash the same and direct the 3rd and 4th respondents to conduct a fresh enquiry in respect of the marital and maternity status of the petitioner by considering the petitioner's representation dated 08.07.2020.



For Petitioner : Mr.M.Karthikeya Venkitachalapathy

For RR1 to 5 : Mr.D.S.Nedunchezian
Government Advocate

For R6 : Mr.N.Marimuthu

O R D E R

The order impugned dated 16.06.2020 stopping the payment of family pension to the writ petitioner on the ground that she got remarried with another man viz., Ilayaraja and has given birth to a child is under challenge in the present writ petition. The said factum was recorded in the impugned order based on the report submitted by the Tahsildar and also by the Revenue Divisional Officer.

2. The learned counsel for the petitioner made a submission that the petitioner has not re-married any person and she has not given birth to any child after the death of her husband. Therefore, she is entitled to get family pension continuously.

3. The learned Government Advocate brought to the notice of this Court that the 6th respondent, who is the mother-in-law of the writ petitioner, filed a civil suit in O.S.No.64 of 2019 against the petitioner and in the said suit, certain factual aspects were stated that the petitioner herself is not the legally wedded wife of the deceased employee one Dhakshinamurthy and therefore, the grant of family pension itself is questionable.

4. The learned counsel for the petitioner rebutted the said contention by stating that family pension was already sanctioned to the petitioner and she is receiving the same. While so, the present allegation is that the petitioner got re-married to another man and has given birth to a child.

5. All such complex nature of family disputes cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. Such issues are to be decided based on the facts and documents including oral evidences. The power of judicial review cannot be extended for adjudication of such disputed facts involving marital disputes as well as the extra marital issues. Thus, the parties have to approach the competent court of law for appropriate relief. *Prima facie* there is a report against the writ petitioner by the Tahsildar and the Revenue Divisional Officer. If at all the petitioner is disputing the report, she is at liberty to



secure the copies of the report or otherwise and initiate all necessary action for redressal of her grievances in the manner known to law. However, this Court cannot enter into adjudication of such disputes and give a finding. The petitioner may take all appropriate steps for initiation of action for redressal of her grievances.

6. With the above observations, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr
To

1. The Principal Secretary/
Commissioner of Treasuries and Accounts,
Nandanam, Chennai-600 035.
2. Regional Joint Director of Treasuries and Accounts,
Madurai-625 020.
3. The District Treasury Officer,
Pudukottai District, Pudukottai.
4. The Revenue Divisional Officer,
Pudukottai District, Pudukottai.
5. The Thasildhar,
Thirumayam Taluk,
Pudukottai District.

+1 CC to M/s.M. GOVINDARAJAN, Advocate (SR-21560[F] dated 27/04/2022)

+1 CC to M/s.M. KARTHIKEYA VENKITACHALAPATHY, Advocate (SR-21660[F] dated 27/04/2022)

+1 CC to M/s.SPL. GP (SR-23056[F] dated 29/04/2022)

W.P. (MD) No.13871 of 2020

27.04.2022

_SS/25.05.2022 : 3P/9C