



W.P.No.9184 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2023

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.9184 of 2023
and
W.M.P.No.9309 of 2023

S. Arivumathi

...Petitioner

Vs

1. The Director of Agriculture,
O/o The Director of Agriculture,
Chepauk, Chennai

2. The Joint Director,
Department of Agriculture and Farmers Welfare,
Mayiladuthurai.

3. The Thasildar,
Mayiladuthurai Taluk Office,
Mayiladuthurai.

4. Sumalini

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second Respondent to disperse the service benefits of her deceased husband Mr.Kannan based on the representation of the petitioner dated 30.01.2023 and pass orders.



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For Petitioner : Mrs.M. Janani for Mr.D.Ashok Kumar

For Respondent : Mr.K. Karthik Jaganathan
Government Advocate

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. The petitioner has filed this writ petition seeking a direction to the second Respondent to disperse the service benefits of her deceased husband Mr.Kannan based on the representation of the petitioner dated 30.01.2023.

3. The case of the petitioner is that the petitioner married one Kannan who worked as Assistant in Agricultural Office at Kollidam, Mayiladuthurai District and due to the said wedlock one child was born to them. Whiles the petitioner was driven from her matrimonial home and her husband filed a petition to dissolve the marriage on the ground of



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cruelty in HMOP No.136 of 2012 before the Sub Court, Mayiladuthurai.

Since, notice was not served to the petitioner she has not appeared before the Court and the same was decreed as Ex-parte on 28.11.2012.

Thereafter, the petitioner filed I.A. No.48 of 2015 to set aside the ex-parte decree along with petition for maintenance in I.A.No.94/2015. Thereafter, the said Ex-parte decree was set aside and interim maintenance was also

granted to the petitioner. The said kannan died in a road accident on 24.12.2021. Thereafter, when the petitioner approached the second

respondent to receive the death benefits of the said kannan it came to light that one Sumalini filed a suit in O.S.No.52/2022 before the

Additional District Munsif Court, Mayiladuthurai to declare the legal heirs of the deceased namely 1.K.Sumalini, 2. Rajakumari (deceased

mother) 3. C. Rajaraman (deceased father) 4. Minor K. Vetrmaran represented by Guardian K. Sumalini and the same was ordered. Based

on the order passed in O.S.No.52/2022 legal heir certificate was issued to the said Sumalini. It was to the shock and surprise to the petitioner that

her son/ K. Vetrmaran was added as plaintiff in the suit. Thereafter, the petitioner made a



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representation to the second respondent seeking death benefits of the deceased on the premise that her name was entered in the SR Book of the deceased. However, no action has been taken by the second respondent till date.

4. The learned counsel for the petitioner submits that to declare the Judgment passed in O.S.No.52/2022 Additional District Munsif Court, Mayiladuthurai as null and void, the petitioner has filed a O.S.46/2023 before the Principal District Munsif, Mayiladuthurai and the same is pending. He further submits that it would be suffice if the Court issues a direction to the second respondent to consider the petitioner's representation and pass orders.

5. The learned Government Advocate appearing for the respondents submits that the representation of the petitioner will be considered on merits and in accordance with law.



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6. Considering the facts of the case, this Court directs the second respondent to consider the representation of the petitioner and pass orders within a period of eight weeks from the date of receipt of a copy of this Order. This writ petition is disposed of in the above terms. No costs. Consequently the connected miscellaneous petitions is closed.

24.03.2023

Index:Yes/No

Speaking order/Non-speaking order

smn

To

1. The Director of Agriculture,
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Department of Agriculture and Farmers Welfare,
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3. The Thasildar,
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V.BHAVANI SUBBAROYAN,J.

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