



W.P.No.9306 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

Writ Petition No.9306 of 2023

K.Kavitha

... Petitioner

Versus

1. The Superintendent of Police,
Erode District.
2. The Deputy Superintendent of Police,
Gobi Circle,
Erode District.
3. The Inspector of Police,
Kadaththur Police Station,
Erode District.
4. N.Jayalakshmi

... Respondents

[R1 to R4 cause title amended vide order dated 25.04.2023 made in W.M.P.No.10251/2023]

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner representation dated 25.02.2023 to grant the pension benefits of deceased Husband Late. Mr.N.Kannan, Head Constable (H.C.No.801) in respect of the petitioner and her son's share within stipulated time fixed by this Court.



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For Petitioners : No appearance

For RR1 to 3 : Mr.N.Naveen Kumar,
Government Advocate

ORDER

The Writ Petition has been filed in the nature of Writ of Mandamus to consider the petitioner representation dated 25.02.2023 to grant the pension benefits of the deceased Husband Late. Mr.N.Kannan, Head Constable (H.C.No.801) in respect of the petitioner and her son's share within the time stipulated by this Court.

2. The case of the petitioner in brief:

The petitioner's husband namely N.Kannan (deceased) was working as a Head constable in Kadathur Police Station, Gobi Division, Erode District. The petitioner's husband had already got married to one Bharathi in the year 1995 and after the marriage, due to differences arose between them, they got divorce on 29.04.2009. During the pendency of the above divorce, the petitioner's husband and his 1st wife namely Bharthi got customary divorce on 10.06.2007 and thereafter, the petitioner and the said Kannan (deceased) got married on



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28.01.2008. Subsequently, the 1st wife of the petitioner's husband remarried one Ramesh on 19.05.2010. Out of the wed lock, the petitioner was blessed with a male child, namely Sabari and she had been living with her family for the past 15 years as on 26.09.2022. Whiles, due to work pressure, the petitioner's husband Kannan suddenly died by hanging himself. The petitioner had applied for legal heir Certificate before the Tasildar, Thalavadi, for the purpose of getting pension benefits on 01.11.2020. The Village Administrative Officer informed to the petitioner that the legal heir Certificate cannot be issued since the 1st wife of the petitioner's husband is still alive. Thereafter, the petitioner filed a Writ Petition in W.P.No.32743/2022 seeking direction to the Tahsildar, Thalavadi to enquire and pass appropriate orders on the petition dated 01.11.2022 for issuance of legal heir certificate, within the stipulated time. The said Writ Petition was allowed by this Court and the said Tahsildar also issued Legal heir Certificate in her favour. Thereafter, the petitioner approached the respondents for grant of pension amount and other notional benefits. But there was no reply from the respondents. Hence the petitioner sent a representation dated 25.02.2023 to the 1st respondent to take appropriate steps for grant of pension benefits. Since the same not has



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been considered, the present Writ Petition has been filed.

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3. The learned Government Advocate appearing for the respondents submitted that the representation given by the petitioner would be considered by the authorities concern and appropriate orders would be passed on its own merits.

4. In view of the above, the 1st respondent is directed to consider the petitioner's representation dated 25.02.2023 and pass appropriate orders on its own merits and in accordance with law, as early as possible, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No order as to costs.

27.03.2023

ssi

Index : Yes/No

Internet : Yes/No



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To:

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V.BHAVANI SUBBAROYAN,J.

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