



WEB COPY



W.P. Nos. 14736 of 2020 and 9833 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. Nos. 14736 of 2020 and 9833 of 2023

and

W.M.P. No. 18318 of 2020

W.P. No. 14736 of 2020:-

K. Ranjitham

... Petitioner

-VS-

- 1.The District Collector
Krishnagiri
Krishnagiri District.
- 2.The Pay and Accounts Officer
No.485. M.7B Building
Anna Salai, Chennai.
- 3.The Revenue Divisional Officer
Thirupathur, Thirupathur District.
- 4.The Block Development Officer
Uthangarai, Krishnagiri District.
- 5.The District Treasury Officer
Office of the District Treasury Officer
Collector Office Campus, Bangalore
Road, Krishnagiri.
- 6.The Treasury Officer
Thirupathur, Thirupathur District.
- 7.The Tahsildar
Thirupathur, Thirupathur District.



W.P. Nos. 14736 of 2020 and 9833 of 2023

8.Mr.R.Anantha Krishnan
Tahsildar, Thirupathur District.

9.The Sub-Treasury Officer
Spinning Mill Road
Uthangarai Taluk
Krishnagiri.

10.The Village Administrative Officer
Thirupathur Village
Thirupathur.

11.Mrs.Navaneetham

12.Mr.Dinesh Kumar

13.Sharmila

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus forbearing the respondents 1,2,4,5 and 6 not to release the terminal and other benefits of the petitioner's deceased son namely K.Saravanan, Deputy Block Development Officer, Uthangarai Taluk, Krishnagiri.

For Petitioner : Mr. C.Uma Shankar
for Mr.M.Selvam

For Respondents : Mr. K.Karthick Jegannath
Government Advocate (for R1 to R10)

Mrs. PA.Sudesh Kumar (for R11 to R13)

W.P. No. 9833 of 2023:-

P.Navaneetham

... Petitioner

-VS-



W.P. Nos. 14736 of 2020 and 9833 of 2023

1. The District Collector
Krishnagiri
Krishnagiri District.

2. Deputy Director (Panchayats)
Krishnagiri, Krishnagiri District.

3. Block Development Officer
Uthangarai, Krishnagiri District.

4. Chief Accountant General
361, Anna Salai, Thenampettai
Chennai 600 018.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus directing the Respondents to disburse the death cum retirement benefits of the Petitioner's husband Mr. K.Saravanan who died on 24.07.2019 to this Petitioner, by considering the Petitioner's representation dated 13.01.2023 within time frame.

For Petitioner : Mr. PA.Sudesh Kumar

For Respondents : Mr. K.Karthick Jegannath
Government Advocate (for R1 & R2)

Mrs. R.L.Karthika
Government Advocate (for R3)

Mrs. Hema Muralikrishnan (for R4)

COMMON ORDER

Heard Mr. C.Uma Shankar, Learned Counsel for the Petitioner in W.P.

No. 14736 of 2020, Mr. PA.Sudesh Kumar, Learned Counsel for the Petitioner



W.P. Nos. 14736 of 2020 and 9833 of 2023

in W.P. No. 9833 of 2023 and Mr. Karthick Jegannath, Learned Government Advocate, Mrs. R.L.Karthika, Learned Government Advocate and Mrs. Hema Muralikrishnan, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. It is the common case of the Petitioners in these Writ Petitions that one K.Saravanan was working as Deputy Block Development Officer at Uthangarai Taluk, Krishnagiri District had died on 24.07.2019. While the Petitioner in W.P. No. 9833 of 2023, viz., P.Navaneetham, claiming to be the wife of the said K.Saravanan relying on the legal heir certificate in No. TN-720191011959 dated 12.11.2019 issued by the Tahsildar, Tirupattur Taluk, Vellore District, has sought for payment of his terminal benefits, the Petitioner in W.P. No. 14736 of 2020, viz., K.Ranjitham, who is his mother, objects to such payment as her name has not been included in the legal heir certificate in No. TN-7202001232317 dated 01.02.2020 issued by the Tahsildar, Tirupattur Taluk, Tirupattur District.

3. In this context, it would be germane to recapitulate that the Legal Heirship Certificate issued by the Revenue Authorities in merely a report of a fact finding exercise and does not have any statutory sanctity and that is why it



W.P. Nos. 14736 of 2020 and 9833 of 2023

has been held by this Court in ***Thirumurthy E. -vs- Collector of Chennai*** [1998

WLR 347] that the Legal Heirship Certificate issued by the Tahsildar is neither conclusive, nor would it confer any right on the person in whose favour the same had been issued, nor it would exclude the other legal heirs, if any, of the deceased.

4. That apart, the Hon'ble Supreme Court of India in the decision in ***Rameshwari Devi -vs- State of Bihar*** [(2000) 2 SCC 431] has held as follows:-

“13..... When there are two claimants to the pensionary benefits of a deceased employee and there is no nomination wherever required, the State Government has to hold an inquiry as to the rightful claimant. Disbursement of pension cannot wait till a civil court pronounces upon the respective rights of the parties. That would certainly be a long-drawn affair. The doors of civil courts are always open to any party after and even before a decision is reached by the State Government as to who is entitled to pensionary benefits. Of course, inquiry conducted by the State Government cannot be a sham affair and it could also not be arbitrary. The decision has to be taken in a bona fide, reasonable and rational manner.”



W.P. Nos. 14736 of 2020 and 9833 of 2023

WEB COPY

5. Having regard to the aforesaid legal position, it is incumbent upon the concerned authorities to conduct enquiry, after due notice to the Petitioners and other legal heirs, if any, of the said K.Saravanan, and depending upon its outcome, the terminal benefits would have to be paid to the eligible persons after communicating the decision taken under written acknowledgment. Such exercise shall be completed within a period of three months from the date of receipt of copy of this order, and report of compliance shall be filed before the Registrar (Judicial) of this Court.

In the result, these Writ Petitions are disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

03.04.2023

kst

Index: Yes/No

NCS:Yes/No

Note: Issue order copy by 21.08.2023.



W.P. Nos. 14736 of 2020 and 9833 of 2023

To

1. The District Collector
Krishnagiri
Krishnagiri District.
2. Deputy Director (Panchayats)
Krishnagiri, Krishnagiri District.
3. Block Development Officer
Uthangarai, Krishnagiri District.
4. Chief Accountant General
361, Anna Salai, Thenampettai
Chennai 600 018.
5. The Pay and Accounts Officer
No.485. M.7B Building
Anna Salai, Chennai.
6. The Revenue Divisional Officer
Thirupathur, Thirupathur District.
7. The District Treasury Officer
Office of the District Treasury Officer
Collector Office Campus, Bangalore
Road, Krishnagiri.
8. The Treasury Officer
Thirupathur, Thirupathur District.
9. The Tahsildar
Thirupathur, Thirupathur District.
10. Mr. R. Anantha Krishnan
Tahsildar, Thirupathur District.
11. The Sub-Treasury Officer
Spinning Mill Road, Uthangarai Taluk
Krishnagiri.
12. The Village Administrative Officer
Thirupathur Village, Thirupathur.



WEB COPY



W.P. Nos. 14736 of 2020 and 9833 of 2023

P.D. AUDIKESAVALU, J.

kst

W.P. Nos. 14736 of 2020 and 9833 of 2023

03.04.2023