



WEB COPY



W.P. No.22953 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2023

CORAM:

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

and

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No.22953 of 2023

K. Sethu Bai

Petitioner

v

The Registrar General  
High Court of Madras  
Chennai 600 104

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to disburse the full and final benefits of the deceased employee K. Sathyavathi, Employee ID No.00525, High Court of Madras, to the petitioner based upon the petitioner's representation dated 20.04.2023.

|                |                                                |
|----------------|------------------------------------------------|
| For petitioner | Mr. Suresh Kumar<br>for Ms. Amrutha Srinivasan |
| For respondent | Mr. Durai Eswar<br>Standing Counsel            |

### ORDER

(made by S. VAIDYANATHAN, J.)

Mr. V. Durai Eswar, learned Standing Counsel, accepts notice for the respondent. With consent, this writ petition is taken up for final disposal at the admission stage itself.

2 The germane facts, as culled out from the petitioner's affidavit, which are necessary for deciding this writ petition, are as under:



2.1 The petitioner is an octogenarian mother of one Sathyavathi, who was working as an Assistant in the Accounts Section of this High Court. The said Sathyavathi breathed her last on 29.10.2022. Her father Krishnasamy Rao predeceased her. Her husband deserted her about two decades ago. Seemingly, she does not have any issue. Thus, the petitioner is the sole legal heir of her deceased daughter Sathyavathi.

2.2 To buttress her stance that she is the sole legal heir of Sathyavathi, the petitioner has enclosed in the typed set of papers, Sathyavathi's death certificate dated 24.11.2022 issued by the Chennai Corporation and also the legal heirship certificate dated 15.12.2022 issued by the Tahsildar, Mylapore, Chennai.

2.3 According to the petitioner, as the sole legal heir of her deceased daughter, she is entitled to receive the terminal benefits. Notwithstanding her age and indisposition, though she had approached the Registry of this Court by making oral and written representations on numerous occasions, her last representation being the one dated 20.04.2023, the terminal benefits of her deceased daughter have not been settled to her; hence, this writ petition seeking disbursement of terminal benefits of her daughter based on her representation dated 20.04.2023.

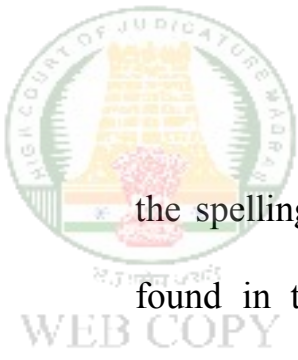


3 Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Registry.

4 Even according to the respondent, the demise of Sathyavathi on 21.09.2022 is not controverted. But, the only difficulty expressed by the respondent is that while the name of the petitioner's daughter is entered in her service register as K.Sathyavathi, in her death certificate and legal heir certificate, her name is spelt as K. Sathiyavathi and this difference in spelling is the stumbling block for disbursal of terminal benefits to the petitioner.

(emphasis supplied)

5 Be it noted, in some cases, it cannot be expected that the spelling of the name of the deceased, as found in his/her school or service records, should get reflected in the death certificate or legal heir certificate even without there being any small change. We say so because in the crematorium / burial ground, the family of the bereaved will be in the peak of melancholy owing to the demise of their family member and they will also be grossly engaged in performance of last rites. In such a scenario, it is quite natural that any close kith or kin of the deceased would give the details of the deceased, based on which, entries would be made in the records of the crematorium/burial ground, which would be forwarded to the Corporation/Municipality/Panchayat, as the case may be, to be entered in their records. On account of this, where there happens a minuscule difference in



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the spelling of the name, it cannot be heard to say that the name of the person found in the death certificate/legal heirship certificate and the person who is claimed to have died, are different persons and the legal heirs of the deceased persons cannot be ping-ponged to have their claim settled.

6 However, in order to avoid any possible future dispute, it is directed that the petitioner shall give an affidavit and indemnity, together with her proof of identity such as Aadhaar Card, to the respondent at the earliest, and within a period of two weeks from the date of submission of the same by the petitioner, the respondent shall release the terminal benefits of the petitioner's daughter without protracting the matter any further.

With the above directions, this writ petition stands disposed of. Costs made easy.

**(S.V.N., J.) (K.R.S., J.)**  
**04.08.2023**

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To

The Registrar General

High Court of Madras

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**S. VAIDYANATHAN, J.**

and

**K. RAJASEKAR, J.**

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