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W.P.No.23005 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.23005 of 2023

R.Kalamani

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
No.825, Link Road,
Anna Salai, Triplicane,
Chennai – 600 002.

2.The Superintending Engineer,
Udumalpet Electricity Distribution Circle,
Tiruppur Road,
Udumalpet – 642 126.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the second respondent to disburse the service benefits of one late Nagrajan, who is the petitioner's brother were the 2nd respondent without insisting the succession certificate as per the GO. Ms. No. 478 of the petitioner's representation dated 20.02.2023.

For Petitioner : Mr.K.Rajendra Prasad

For Respondents : Mr.K.Rajkumar
Standing Counsel



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ORDER

This writ petition has been filed to direct the 2nd respondent to disburse the service benefits of one late Nagrajan, who is the petitioner's brother, without insisting the Succession Certificate, as per G.O.(Ms).No.478, Revenue & Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 29.09.2022.

2.It is the case of the petitioner that her brother, namely Nagarajan, who was working under the respondents, died unmarried on 28.11.2011. The petitioner states that the petitioner is the Class-II legal heir of her unmarried brother and a Legal Heir Certificate to that effect has also been issued by the Tahsildar. Relying on the same, the petitioner requested the respondents to disburse the service benefits of the petitioner's brother, to the petitioner. However, the grievance of the petitioner is that the respondents are insisting for production of Succession Certificate in order to process her request. Hence, the writ petition.

3.Learned counsel for the petitioner mainly relied upon a Government Order in G.O.(Ms).No.478, Revenue & Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated



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29.09.2022, and submitted that the Legal Heir Certificate issued by the Tahsildar in the cases of unmarried persons will also include the brothers and sisters of the deceased, and hence, the petitioner is entitled to the terminal benefits of her brother and there is no need for any Succession Certificate as insisted by the respondents.

4. Heard Mr.K.Rajkumar, learned Standing Counsel, who takes notice for the respondents.

5. On a perusal of the Legal Heir Certificate issued by the Tahsildar, it is clear that the petitioner is shown as Class-II legal heir of her deceased brother, namely, Nagarajan. The particulars of the Legal Heir Certificate itself clearly indicate that the said Certificate was issued only based on the particulars provided by the petitioner. In such view of the matter, when the petitioner seeks to avail the terminal benefits of her deceased brother, the proper mode to avail such benefits would only be by obtaining Succession Certificate through the Court of Law, as per the Indian Succession Act. Therefore, there cannot be any direction to the respondents not to insist for Succession Certificate from the petitioner. It is for the petitioner to obtain the Succession Certificate and produce



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before the competent authorities for realisation of terminal benefits of his deceased brother.

6. Accordingly, this writ petition is dismissed. No costs.

04.08.2023

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Internet : Yes
Index : Yes / No
Neutral citation : Yes / No
Speaking order / Nonspeaking order

To

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