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W.P.No.24387 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2023

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

**W.P. No. 24387 of 2021 and**  
**W.M.P.No.25691 of 2021**

1.K.Raja  
2.K.Sampath  
3.K.Ponnuswamy  
4.K.Munuswamy  
5.K.Sumathi  
6.K.Velankanni

.....Petitioners

Vs.

1.The Commissioner,  
Greater Chennai Corporation,  
Rippon Buildings, Part Town,  
Chennai - 600 003.  
  
2.The Assistant Executive Engineer,  
Division No.23,  
Greater Chennai Corporation,  
No.4, Temple Street, Kilpauk,  
Chennai - 600 010.

..... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, calling for entire records relating to the letter of the second respondent dated 19.08.2021 in his MA A8 Na.Ka.No.C3/8975/2018 and addressed to the third petitioner, quashing the same and consequently directing the second respondent to disburse the monetary benefits due to their mother, deceased Vadivambal, to them with interest at 9% within a reasonable time.



W.P.No.24387 of 2021

For petitioner : Mr.P.Chandrasekaran  
For respondents : Mr.S.Gopinath  
Standing Counsel

### **ORDER**

This writ petition has been filed seeking direction to the respondents to disburse the monetary benefits due to their deceased mother Vadivambal, to the petitioners with interest at 9% per annum within a time frame fixed by this Court.

2. It is the case of the petitioners that the mother of the petitioners by name Vadivambal was working as a Scavenger in Greater Chennai Corporation, Zone-IV/2<sup>nd</sup> respondent corporation. Her service was regularized on 28.02.2006. The said Vadivambal died on 21.02.2017 while she was in service. It is their specific contention that despite it is learnt from the legal heir certificates that the petitioners are the legal heirs of Vadivambal, the 2<sup>nd</sup> respondent corporation had refused to disburse the monetary benefits of deceased Vadivambal to the petitioners. Aggrieved by the same, the petitioners are before this Court by way of filing this writ petition.



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3.The learned counsel for the respondents filed a counter affidavit stating that as per the records produced by the petitioners, it is seen that the age of the 1<sup>st</sup> and 2<sup>nd</sup> petitioners are more or less equal or above the age of the deceased Vadivambal. Hence, it is difficult to conclude that they are the legal heirs of the deceased Vadivambal. In view of the suspicious circumstances, the second respondent had rejected the application filed by the 3<sup>rd</sup> petitioner claiming the death benefits of deceased Vadivambal.

4. The learned counsel for the petitioner submitted that the deceased Vadivambal herself was working as a Scavenger in the Greater Chennai Corporation and she was an illiterate. The children of late Vadivambal are also not well educated and they are not conscious about the age details given to the public authorities for getting documents like Aadhar card, etc.

5. Even though the second respondent has raised doubts over the identity of the petitioners, the second respondent has not come to any conclusion as to the genuineness of the legal heirs certificate submitted by the petitioners to the Corporation. It is not the claim of the respondents that the petitioners are no way related to the deceased Vadivambal and they are complete strangers.



6.The deceased Vadivambal who happened to work as a Scavenger and she would not have known about the seriousness of giving accurate age. Some persons who are not sure about her age or she herself could have given some random date as her date of birth. Many people who are ignorant or illiterate, presume some date and year as their date of birth. Their parents or relatives would have related their birth to any events or festivals in their place of birth. Believing those events and connecting it to their birth, they would presume some year as their birth year, which in all probabilities may or may not be right. If the birth certificate of deceased Vadivambal is produced before this Court, the above confusion could have been solved. The age certificate was not produced by the respondent. But at the same time the relationship of the petitioners with the deceased Vadivambal is put to serious doubt, due to the impossible age difference between the petitioners and Vadivambal as it so appears through the records.

7. I feel the first and the second respondents could have made a comprehensive enquiry about the real status of the petitioners more particularly about the relationship with the deceased Vadivambal, ignoring the number games. If the enquiry of the 2<sup>nd</sup> respondent confirms that the



petitioners are the sons of deceased Vadivambal, then in all probabilities the age particulars given by late Vadivambal to the Corporation could have been wrong. At no point of time during the lifetime of late Vadivambal, the respondents had taken any steps to ascertain the real age of Vadivambal. Only when the legal heirs have given the application for getting the terminal benefits of late Vadivambal, the issue of age has stolen the show. Merely because the employee has given wrong particulars about her age and the same is reflected in the public records, it cannot be the only reason to deny the relationship between the deceased Vadivambal and the petitioners. Without making a comprehensive enquiry to ascertain the genuineness of the legal heir certificate given by the Revenue authorities by incorporating the names of the petitioners as the legal heirs of the deceased Vadivambal, the terminal benefits shall not be denied to the petitioners.

8. In view of the above said reasons, it is appropriate to direct the second respondent to reconsider the request of the petitioners to disburse the terminal benefits of deceased Vadivambal by ascertaining the genuineness of the legal heir certificate issued by the Tashildar by making due enquiries about the relationship between the applicants and the deceased.



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**R.N.MANJULA,J.**

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9. Hence, the writ petition is disposed of directing the 2<sup>nd</sup> respondent to re-consider the petitioners request within a period of eight weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. No costs.

**06.10.2023**

Index : Yes/No  
Speaking Order : Yes/No  
nr/vca

To

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Greater Chennai Corporation,  
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