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W.P.No.25447 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.25447 of 2023
and
W.M.P.No.24837 of 2023

Ranjithkumar

... Petitioner

Vs.

1.The District Collector,
Salem.

2.The Special Deputy Collector (Stamps)
Collectorate, Salem.

3.The Tahsildar (Stamps)
Attur Taluk, Salem District.

4.The Tahsildar,
Gangavalli Taluk, Salem District.

5.Govindammal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 1st to 4th respondents to disburse the service benefits of Santhika to the petitioner.

For Petitioner : Mr.T.Ganesan

For R1 to R4 : Mr.V.P.R.Elamparithi
Additional Government Pleader



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W.P.No.25447 of 2023

ORDER

This writ petition has been filed to direct the 1st to 4th respondents to disburse the service benefits of Santhika to the petitioner, based on a Will dated 10.05.2021 said to have been executed by the said Santhika, who was working as Office Assistant under the 3rd respondent.

2. According to the petitioner, the said Santhika, who is the petitioner's aunt, died testate on 15.05.2021 by leaving an unregistered Will dated 10.05.2021. She died due to Covid-19 infection. It is the case of the petitioner that, since the said Santhika was issueless, by the said Will, she had bequeathed several assets including the service benefits on the petitioner. Therefore, the petitioner claims the service benefits of Santhika based on the said Will. However, it is the grievance of the petitioner that the respondents are trying to disburse the service benefits to the 5th respondent. Hence, the writ.

3. Heard the learned counsel for the petitioner and Mr. V.P.R. Elamparathi, learned Additional Government Pleader, who takes notice for the respondents 1 to 4.



W.P.No.25447 of 2023

WEB COPY

4.It is the contention of the petitioner that the said Santhika died on 15.05.2021 leaving a Will dated 10.05.2021, thereby, bequeathing *inter alia* her service benefits to the petitioner. The records indicate that she died due to Covid-19 infection. She was admitted in the hospital on 13.05.2021. Whereas, the Will is dated 10.05.2021. The Will is said to have been executed at the time when she was affected with Covid. Such a transaction itself, at the outset, does not inspire confidence of this Court. In any event, a person relying upon a testamentary document, namely the Will, has to first prove the same in the manner known to law to derive any benefit bequeathed under the Will. In such view of the matter, it is for the petitioner to establish the Will before the competent Civil Court and he cannot seek directions by way of a writ petition. Therefore, this Court is not inclined to issue any positive directions in this writ petition.

5.Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

30.08.2023

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N. SATHISH KUMAR, J.



W.P.No.25447 of 2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

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