



W.P.No.3806 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.3806 of 2017
and W.M.P.No.3871 of 2017

A.Muthukumar

... Petitioner

-Vs-

1 The Director General Health &
Preventive Medicine of Diseases Department
Chennai-06.

2 The Deputy Director
Medical Welfare Kanchipuram Medical
District Kanchipuram Town

3 The Block Medical Officer
Primary Health Centre. Paranthur Village
Kanchipuram District.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned letter in Na.Ka. No.5263/ Ni-3/ 2008 dated 25.11.2016 from the files of 2nd respondent and to quash the same and consequently direct the respondents to release the death benefits and other benefits of the deceased Tamlarasi to the petitioner.



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For Petitioner : Mr.N.Vijaya Basker
for M/s.Law Vision
For Respondent : Mr.R.Neethi Perumal
Government Advocate

ORDER

The petitioner is the brother's son of one D.Tamilarasi, who was working as Staff Nurse in the 3rd respondent Primary Health Centre, Paranthur Village at Kancheepuram District. She died on 26.10.2008. Her husband had predeceased her and had died on 25.09.2005. She had adopted a minor by name Venkatesan. On her death, the minor Venkatesan was entitled to receive the terminal benefits and other benefits which were payable to her owing to her service as Staff Nurse.

2. The petitioner herein had filed a succession O.P. before the Sub-Court at Sankari in Succession O.P.No.2 of 2012 in his capacity as the next friend of the minor Venkatesan. Orders were passed granting succession certificate on 06.07.2013 by the learned Sub-Judge at Sankari. Unfortunately, Venkatesan also died immediately thereafter on 19.08.2013. It is stated by the learned counsel for the petitioner that the father of the petitioner Alagirisamy also died. This has left the petitioner as the only, according to the learned counsel for the petitioner, Class II legal heir of Tamilarasi entitled to receive the terminal benefits.



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4. However, it is contended on behalf of the respondents that enquiry will have to be done in the manner known to law to recognise the petitioner as Class II legal heir as per the procedure enunciated in G.O.Ms.No.478, Revenue & Disaster Management, Revenue Administration Wing, RA-3 (2) Section dated 29.09.2022 and for that purpose, the petitioner will have to make necessary application seeking to be recognised as Class II legal heir and follow necessary procedure set out therein. It is also contended that the petitioner should also obtain succession certificate seeking declaration from the Court that he is entitled to receive the terminal benefits of the deceased Tamilarasi and the petitioner may therefore go through this process.

5. Learned counsel for the petitioner places reliance on what he termed as "உறுதிமொழி பத்திரம்" written by Tamilarasi herself which was attested by a Notary Public that only Venkatesan and the petitioner herein alone are her legal heirs. But, that may not come to the assistance of the petitioner herein, as he will have to get necessary documents as aforementioned duly authorising him to receive the terminal benefits. A direction is issued to the respondents to keep the money which had accumulated to the credit of Tamilarasi and await legitimate claim made. If



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such a claim is made, they may disburse the same after satisfying themselves about the legitimacy of the claim. Till such time, the amount may be kept in an interest bearing deposit so that if at all a claim is made for payment of interest for any belated payment, the respondents can be protected.

6. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

31.08.2023

Index : Yes/No
Internet : Yes/No
KST

To

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C.V.KARTHIKEYAN, J.

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