



W.P(MD)No.5045 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5045 of 2023

A.Deepanraj

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram,
Ramanathapuram District.

2.The Director,
The Directorate of Medical and Rural Welfare,
Chennai – 6.

3.The Joint Director,
Joint Director Office,
Joint Director of Welfare Service,
Ramanathapuram,
Ramanathapuram District.

4.The Chief Doctor / Chief Medical Officer,
Government Hospital,
Panaikulam,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 to 4 herein to sanction and disburse all the death benefits



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of petitioner's deceased mother Ananthi in the light of the petitioner last representation dated 27.02.2023 within a stipulated period of time fixed by this Court.

For Petitioner : Mr.S.Muthukumar

For Respondents : Mr.T.Villavankothai,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.One Ananthi was employed as Pharmacist in the fourth respondent government hospital. She passed away. The petitioner claims to be her adoptive son. He seeks disbursement of her terminal benefits. He gave representation in this regard. Since it was not considered, the present writ petition came to be filed.

3.When the matter was taken up for hearing, the learned Additional Government Pleader submitted that the deceased was twice married. One Ananthankrishnan was her first husband and the marriage was not



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divorced as per law. His name is figured in the service record also as nominee. The HMOP filed by her against the second husband Thangapandian is still pending. There is nothing on record to show that the petitioner was adopted as per law. Therefore, the stand of the respondents is that only after the petitioner gets declaration from the jurisdictional Civil Court, the same can be considered. I find the said objection to be sustainable. These are not matters in which a direction cannot be straightaway issued by the Writ Court. Before the petitioner can claim that the terminal benefits of the deceased employee should be disbursed to him, he must first establish that he is her adopted son. It is only the jurisdictional Civil Court that can grant the said declaration. The Writ Court cannot go into contested or doubtful matters.

4. Granting liberty to the writ petitioner to move the jurisdictional Civil Court for getting appropriate declaration, this writ petition is dismissed. No costs.

19.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

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