



W.P(MD)No.13572 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.13572 of 2023

S.Mari

... Petitioner

Vs

1. The State of Tamil Nadu Rep.,
By, Secretary to Government, Public
(Political Pension-2) Department,
Secretariat, Fort St.George, Chennai-9.
2. The District Collector,
Virudhunagar, Virudhunagar District..
3. The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in his proceedings Na.Ka.J3/26347/2021, dated 02.02.2023 and quash the same and consequently directing the Respondents to



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sanction the Maruthupandiar Brothers Descendants Pension to the petitioner.

For Petitioner : Mr.K.Mahendran

For Respondents : Mrs.D.Farjana Ghoushia,
Special Government Pleader

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking interference with the order of the second respondent/District Collector, Virudhunagar District, in his proceedings in Na.Ka.J3/26347/2021, dated 02.02.2023 and consequently, to direct the said respondent to sanction pension by recognizing the petitioner as one of the descendants / legal heir of Maruthupandiyar Brothers.

2. Heard Mr.R.Mahendran, learned counsel for the petitioner and Mrs.D.Farjana Ghoushia, learned Special Government Pleader for the respondents.



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3. The petitioner herein, Mari, Son of Subbaiya had given a representation to the authorities seeking pension as granted by the Government in G.O.Ms.No.1143 Public (Political A) Department, dated 19.07.1982, wherein, the Government had recognized that the descendants of Maruthupandiyar Brothers are entitled for pension.

4. It is stated by the petitioner herein that his brother S.Muniyandi, had also sent a representation seeking pension and that was refused by the Government and questioning that, he had filed W.P. (MD) No.2790 of 2018 and by an order, dated 19.03.2021, the said Writ Petition had been allowed by a learned Single Judge of this Court.

5. The learned counsel for the petitioner also placed reliance on a Division Bench judgment of this Court in *W.A.(MD) No.355 of 2021 dated 17.02.2021, The State of Tamil Nadu, rep. by the Secretary to Government, Public (Political Pension -2) Department, Secretariat, Chennai and others Vs. V.Kanaga and others*. That Writ Appeal had been filed questioning an order of the learned Single Judge who had granted and recognized that the respondents in the Writ Appeal were



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entitled for pension. The appeal was filed questioning the status of the respondents therein as they were female descendants and not male descendants. The Writ Appeal was disposed of, by the Division Bench by the aforementioned order, dated 17.02.2021.

6. The learned counsel for the petitioner stated that when the brother of the petitioner had been recognized by this Court and pension has been granted, there is no justification in denying the representation given by the petitioner herein seeking similar status, since his father has died and as legal heir of his father, he is entitled to claim pension and be recognised as legal heir of Maruthupandiyar Brothers.

7. The learned Special Government Pleader, however, placed reliance on G.O.Ms.No.1143 dated 19.07.1982, wherein, the Government after examining various representations given, had taken a decision to grant Political Pension to the legal heirs of the descendants of Maruthupandiyar Brothers. In the said Government Order, the descendants and their addresses had also been given as an annexure. It has been stated by the learned Special Government Pleader that one



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member in every family would be duly recognized for grant of pension and it is stated that in the family of the petitioner herein, his brother S.Muniyandi had been recognized and therefore, the petitioner is disentitled from claiming pension.

8. I have given my careful consideration to the arguments advanced and also perused the materials submitted.

9. A perusal of the impugned order shows that there is no reference to the orders of the Writ Appeal or the Writ Petition. The issue of "members of the family" has to be examined since each brother constitutes a separate family by himself. There cannot be overlapping of the two families of two brothers. A narrow interpretation cannot be given to that particular word 'family'. In G.O.Ms.No.1143 dated 19.07.1982, the word used is "descendant" of Maruthupandiyar Brothers. Every individual who is born as a descendant can claim that status. There is no reference to all these aspects in the impugned order.



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10. The impugned order had restricted itself to the 202 members as given in the annexure to the aforementioned Government Order. There is also no reference as pointed out earlier to the reasoning of the learned Single Judge in W.P.(MD) No.2790 of 2018 or to the reasonings of the Division Bench in W.A.(MD) No.355 of 2021. The fact is that the petitioner is the brother of Muniyandi. The fact is that the petitioner herein is also a legal heir. Actually, he cannot be denied being recognized as a descendant of Maruthupandiyar Brothers. It is also seen that in the Writ Appeal, the respondents therein had been so recognized even though they were female descendants. All three of the respondents therein belonged to the same family and each one of them had been independently granted pension.

11. The impugned order, therefore, cannot withstand the scrutiny of this Court and is, therefore, set aside. The matter is remitted back to the third respondent and the petitioner herein may submit the copies of the orders of the Writ Appeal and the Writ Petition and the second respondent is directed to examine the status of the petitioner herein as legal heir of his father Subbaiya, who is the brother of



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S.Muniyandi, who had been recognized by the order of the learned Single Judge in the aforementioned Writ Petition and had been granted pension.

12. The impugned order is set aside and the matter is remitted back for fresh consideration by the second respondent in the light of the judicial pronouncements. The second respondent may also keep in mind the fact that the word used in the Government Order is only "descendant" and not family. The petitioner herein as legal heir of a male descendant, certainly has every right to claim pension. The second respondent, on receipt of the records, may endeavour to dispose of the same after giving opportunity to the petitioner herein and after examining the records on or before **31.10.2023**.

13. With the above directions, the Writ Petition stands disposed of. No costs.

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Index :Yes/No
Internet :Yes/No
NCC : Yes / No
PNM



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To
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- 1.The Secretary to Government,
State of Tamil Nadu
Public (Political Pension-2) Department,
Secretariat,
Fort St. George,
Chennai - 9.
- 2.The District Collector
Virudhunagar,
Virudhunagar District.
- 3.The Thasildar
Thiruchuli Taluk,
Virudhunagar District.



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C.V.KARTHIKEYAN, J.

PNM

ORDER IN
W.P(MD)No.13572 of 2023

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