



W.P(MD)No.16244 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16244 of 2023

C.Lakshmi

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
R.S.Mangalam Taluk Office,
R.S.Mangalam,
Ramanathapuram District.

3.Thangammal

4.The Tahsildar,
Thiruvadanai Taluk Office,
Thiruvadanai,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order dated 08.05.2023 vide proceedings in Na.Ka.No.A5/4467/2023 by the second respondent and quash the same as illegal and arbitrary and issue Legal Heir Certificate to the petitioner.



W.P(MD)No.16244 of 2023

For Petitioner : Mr.S.Pugalendhi

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R1, R2 & R4

ORDER

Heard both sides.

2. The petitioner is the biological sister of one Chandirapandiyan. He passed away on 05.07.2015. Chandirapandiyan's wife Chandra passed away on 26.05.2021. The petitioner would claim that the property of Chandirapandiyan would devolve on her. This was contested by Thangammal / mother of Chandra. The petitioner filed W.P.(MD)No.15600 of 2021. The said writ petition was disposed of in the following terms:-

“5. On carefully considering the submissions made by the learned Counsel for the petitioner and the learned Counsel for the fourth respondent, it is clear that the husband of Chandra was in possession and enjoyment of the agricultural lands and he died on 05.07.2015. Thereafter, his wife Chandra was doing the agricultural activities and the policy as well as the bank account stood in her name. She died on 26.05.2021. The fourth respondent is none other than the mother of the deceased Chandra. That apart, it is brought to the notice of this Court by the learned Counsel for the fourth respondent that it is only the brother of the deceased Chandra, namely, Thirunavukkarasu, who was the nominee under the policy. The petitioner is tracing her right from her brother by taking resort to Section 15(1) of the Hindu Succession Act and therefore, the petitioner is making a claim for the insurance amount.

6. In the considered view of this Court, the crop insurance policy amount is payable only to Chandra, if she had been alive. On her demise, it is only her mother, who will be entitled to receive this amount. The petitioner cannot claim



W.P(MD)No.16244 of 2023

this amount on the ground that her brother was the owner of the agricultural land and that the said Chandra had acquired her right through him and therefore, the policy amount must be paid only to the petitioner. It is not necessary to complicate the case in this manner. This Court is not dealing with the inter se right of the parties with respect to the agricultural lands. This Court is only looking at the person in whose favour the policy amount amount has to be paid. The policy as well as the bank account stood in the name of the deceased Chandra and on her demise, the policy has to be necessarily go to the mother, namely, the fourth respondent, who is the Class-I heir. The petitioner cannot make any claim over the policy amount, when the mother of the deceased Chandra is very much alive. Therefore, the claim made by the petitioner for the policy amount is unsustainable and the relief sought for by the petitioner cannot be granted by this Court. It is not necessary for this Court to go into the question as to who was the nominee under the policy, in the light of the fact that the dispute is now only between the petitioner and the fourth respondent.

7. In view of the above discussions, this Writ Petition is dismissed and there shall be a direction to the third respondent to disburse the crop insurance policy amount to the fourth respondent within a period of two weeks from the date of receipt of a copy of this order. No costs.”

The petitioner thereafter went before the civil Court by filing O.S.No.110 of 2022 on the file of the District Munsif Court, Thiruvadanai. Interestingly, Government of Tamil Nadu and the jurisdictional Tahsildar alone were shown as defendants. The case also subsequently was compromised before the lok adalat. I fail to understand as to how Thangammal could have been left out. Therefore, the lok adalat award cannot have any binding effect on the 3rd respondent.



W.P(MD)No.16244 of 2023

3. In these circumstances, the Tahsildar R.S.Mangalam rightly passed the impugned order relegating the petitioner to move the jurisdictional civil Court.

The petitioner has to move the jurisdictional civil Court and she must array Thangammal as one of the defendants. The issue essentially pertains to devolution of the property of Chandrapandiyan. This issue necessarily involve a determination of legal aspect. The petitioner has to go before the civil Court to establish her claim as against the third respondent. I make it clear that I have not gone into the merits of the matter.

4. With this liberty to the petitioner, the Writ Petition is dismissed. No costs.

23.11.2023

Index : Yes / No
Internet : Yes/ No
rmi

To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
R.S.Mangalam Taluk Office,
R.S.Mangalam,
Ramanathapuram District.

G.R.SWAMINATHAN, J.



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W.P(MD)No.16244 of 2023

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W.P(MD)No.16244 of 2023

23.11.2023