



W.P.(MD).No.16934 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.16934 of 2023

P.Chinnammal

... Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District.

2.The District Treasury Officer,
Sivagangai District.

3.Meenakshi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 30.05.2023 requesting the second respondent to deposit the death benefit of the petitioner's son the name of the petitioner's grand children by appointing the petitioner herein as a guardian.

For Petitioner

: Mr.PT.S.Narendravasan

For RR 1 & 2

: Mr.N.Muthuvijayan
Special Government Pleader

For R – 3

: Mr.M.Thirunavukkarasu



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ORDER

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The present Writ Petition has been filed for issuance of a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 30.05.2023 requesting the second respondent to deposit the death benefit of the petitioner's son in the name of the petitioner's grandchildren by appointing the petitioner herein as a guardian.

2.Heard Mr.PT.S.Narendravasan, learned counsel appearing for the petitioner, Mr.N.Muthuvijayan, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.M.Thirunavukkarasu, learned counsel appearing for the third respondent and perused the materials available on record.

3.The petitioner's son namely Senthamaraikannan was appointed as a Junior Assistant in the first respondent office. He married the third respondent and they are blessed with two children, namely Madesh and Monika. While in service, he died on 19.09.2022. The petitioner has made a representation to the respondents 1 and 2 on 30.05.2023 seeking to deposit the death benefit of her son in the name of her grandchildren by appointing herself as a guardian.



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4.The learned Special Government Pleader appearing for the respondents 1 and 2 filed a counter-affidavit and submitted that after a period of 16 years of marriage life, the petitioner's son has passed away and the petitioner's allegation that the third respondent/daughter-in-law is a person with mentally disorder is not warranted. Therefore, the monetary benefits with respect to the death of the petitioner's son Senthamaraikannan would be equally shared between the legal heirs of Senthamaraikannan in terms of the Hindu Succession Act, 1956 and pressed for dismissal of the Writ Petition.

5.The learned counsel appearing for the third respondent also filed a counter-affidavit and submitted that the petitioner is not entitled to file such a Writ Petition and the third respondent and her children are entitled to their share of terminal benefits in terms of the Hindu Succession Act, 1956 and she has no objection whatever for the petitioner to receive with her share of terminal benefits except gratuity in terms of Rule 45(5)(i) of the Tamil Nadu Pension Rules.

6.Considering the facts and circumstances of the case, this Court is of the considered view that the petitioner, being the



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mother-in-law, ought to have expanded a helping hand and consoling mind to the daughter-in-law and the minor children who are bereaved by the demise of the father/husband respectively. On the other hand, the Writ Petition itself seems to be malafide which has been filed with an intention preventing the daughter-in-law from receiving the terminal benefits to which she is legally entitled to and the petitioner has no legal right to claim to deposit the death benefit of her son in the name of the petitioner's grandchildren by appointing herself as a guardian when the natural guardian mother is alive.

7. With the above observation, this Writ Petition stands dismissed. There shall be no order as to costs.

04.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

- 1.The Superintendent of Police,
Sivagangai District.
- 2.The District Treasury Officer,
Sivagangai District.



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L.VICTORIA GOWRI, J.

ps

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