



W.P.(MD).No.20562 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 01.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20562 of 2022

R.Niyarabanu

... Petitioner

Vs.

1. The Director General of Police,
Office of the Director General of Police,
No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai.
2. The Inspector General of Police,
South Zone,
Race Course Colony,
Madurai.
3. The Deputy Inspector General of Police,
Ramanathapuram Zone,
Ramanathapuram District.
4. The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
5. The Accountant General,
Accounts and Entitlement,
Nanthanam,
Chennai.

... Respondents 1 to 5



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6. V.Rajeswari

7. R.R.Abhishek

... Proposed Respondents 6 and 7

(R-6 and R-7 are impleaded vide order of this Court dated 01.11.2023 in W.M.P(MD) No.17475 of 2022 in W.P(MD) No.20562 of 2022)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No. 1 to 5 to disburse the service benefits of the petitioner's husband to the petitioner and consequently appoint the petitioner on any post as per her educational qualification on compassionate ground by considering her representation, dated 24.03.2022 within the time stipulated by this Court.

For Petitioner : Mr.Sundaravadivel

For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader
For R1 to R4

: Mr.P.Gunasekaran
ACGSC – for R5

: Mr.M.Saravana Kumar
for R6 and R7

ORDER

The present Writ Petition has been filed by one R.Niyarabanu, seeking a writ of mandamus directing the official respondents to disburse the



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retirement benefits and pensionary benefits of deceased Rajarajan, who was working as an Inspector of Police and who passed away on 19.11.2021.

2. One V.Rajeswari and her son had filed W.M.P(MD) No.17475 of 2022 seeking themselves to implead in the writ petition on the ground that V.Rajeswari got married to the deceased Rajarajan on 20.05.1999 and as per the official records, her name has been recorded as the wife of the deceased Rajarajan.

3. However, the writ petitioner claims that she is a Islam lady and the deceased Rajarajan had got converted to Islam and married her on 08.01.2013.

4. The above referred fact clearly indicates that the marriage of the writ petitioner is under serious dispute.

5. The learned counsel appearing for the official respondents brought to the notice of this Court, a judgment of the Hon'ble Division Bench of our High Court reported in **2018-1-Writ-L.R. 725 (R.Rajathi Vs. the**



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Superintendent Engineer, TANGEDCO Limited, Nagapattinam Circle

Nagapattinam District and another) and contended that for claiming family pension the second marriage should have been valid under the Personal Law.

6. This Court is not inclined to go in to the issue relating to the validity of the marriage of the writ petitioner. The writ petitioner is directed to approach the competent Civil Court to establish her status as the legally wedded wife of the deceased person, namely, Rajarajan. Unless the validity of the marriage of the petitioner is adjudicated, mandamus cannot be issued as sought for in the writ petition.

7. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

01.11.2023

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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