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W.P.(MD)No.3956 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2023

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD).No.3956 of 2016

and

W.M.P.(MD)No.3541 of 2016

- 1.V.Kesavan
- 2.V.Narayanan
- 3.V.Rajangam

... Petitioners

Vs

- 1.The Secretary to Government of Tamilnadu,
Public Department, (Pensions Political)
Fort St.George,
Chennai.

- 2.The District Collector,
Sivagangai District,
Sivagangai.

... Respondents

Prayer:- Writ Petition is filed under Article 226 of Constitution of India to issue a writ of Certiorarified Mandamus calling for the records pursuant to the impugned order of 2nd respondent in Na.Ka.H2/23458/2015 dated 30.11.2015 and quash the same and subsequently direct the respondents to sanction the political pension for the petitioners by including the petitioner's in the list of descendants of King Maruthur Pandiar brother.



W.P.(MD)No.3956 of 2016

For Petitioners : Mr.M.R.S.Prabhu
For R1 : Mr.K.MaheshRaja
Government Advocate
For R2 : No appearance

ORDER

The petitioners are aggrieved by an order dated 30.11.2015 by which their request for political pension was rejected. The petitioners assert that they are the descendants of Maruthupandiyar. By referring to the annexure to G.O.Ms.No.1143 dated 19.07.1982, learned counsel for the petitioners states that Mr.V.Karunakaran was one of the beneficiaries of political pension under the Government order. By relying upon a legal heirship certificate issued on 04.05.2015, learned counsel submits that the petitioners are the brothers of V.Karunakaran.

2. Learned counsel also relies upon an order dated 11.09.2020 by this Court in W.P.(MD)No.1271 of 2018, wherein this Court directed the first respondent to consider the case of the petitioners therein, although their names were not included in the annexure to G.O.Ms.No.1143.



W.P.(MD)No.3956 of 2016

WEB COPY

3.The sheet anchor of the petitioners' case is the legal heirship certificate which *prima facie* evidences that the petitioners are the brothers of V. Karunakaran S/o.Venugopal. The genuineness of the legal heirship certificate should be examined by the authorities concerned and such exercise cannot be undertaken in this jurisdiction. Nevertheless, it appears from the order dated 11.09.2020 of this Court in W.P.(MD)No.1271 of 2018 that political pension was granted under G.O.No.207 dated 02.03.2010 to Kalyani and Kasthur Kannan whose names were not included in the annexure to G.O.Ms.No.1143. Therefore, the request of the petitioners also merits consideration.

4. For reasons set out above, W.P.(MD)No.3956 of 2016 is disposed of by directing the first respondent to reconsider the representation of the petitioners for political pension. The first respondent shall provide a reasonable opportunity to the petitioners before pronouncing a reasoned decision. The said exercise shall be completed within a period of four months from the date of receipt of a copy of this order. The above decision



W.P.(MD)No.3956 of 2016

WEB COPY

shall be taken without being influenced by or taking into account the order impugned in this writ petition. No costs. Consequently, connected miscellaneous petition is closed.

15.03.2023

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

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To

The Secretary to Government of Tamilnadu,
Public Department, (Pensions Political)
Fort St.George, Chennai.



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W.P.(MD)No.3956 of 2016

SENTHILKUMAR RAMAMOORTHY, J.

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