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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.4001 of 2016

1.D.Duraikannu

2.Thangam ... Petitioners

Vs

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

2.The District Collector,
Virudhunagar District,
Virudhunagar. ... 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.J3/40930/2014 dated 27.11.2015 and quash the same and subsequently direct the respondents to

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sanction the political pension for the petitioners by including the petitioner's in the list of descendants of King Maruthur Pandiar brother.

For Petitioners : Mr.C.Susi Kumar

For Respondents : Mr.S.Kameswaran
Government Advocate

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 M.Pitchaiammal was one of the beneficiaries of political pension under the Government order. By relying upon a legal heirship certificate, learned counsel submits that the petitioners are the sisters of M.Pitchaiammal.

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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.

3.The sheet anchor of the petitioners' case is the legal heirship certificate which *prima facie* evidences that the petitioners are the sisters of M.Pitchaiammal. 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.4001 of 2016 is disposed

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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 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

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SENTHILKUMAR RAMAMOORTHY, J.

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