



W.P.(MD).Nos.24981 and 22066 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 16.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.24981 and 22066 of 2022

W.P(MD) No.24981 of 2022:

1. Minor Teena Maclin, (11/22)
Daughter of Late John Bosco,
No.16/A, Kasthuribai Street,
Alagarnaickenpatti, Sithaiyankottai,
Athoor Taluk, Didnigul District.

2. Mrs. Mahalakshmi (39/22)
Wife of Late John Bosco,
No.16/A, Kasthuribai Street,
Alagarnaickenpatti, Sithaiyankottai,
Athoor Taluk, Didnigul District.

(Minor writ petitioner represented
through her mother, guardian and
next friend the first petitioner herein)

... Petitioners

Vs.

1. A.Sahayamary
2. C.Susai Mary

3. The Superintending Engineer,
TANGEDCO,
ANGN Nagar, S.S. Complex,
Meenakshinaickenpatti,
Dindigul – 2.



W.P.(MD).Nos.24981 and 22066 of 2022

4. The Executive Engineer,
TANGEDCO,
No.110/22, S.S.Complex,
Dharapuram Road,
Ottanchathiram – 624 619,
Dindigul District.

5. The Assistant Executive Engineer,
TANGEDCO,
No.110/22KV/SS,
Kannivadi,
Dindigul District – 624 616.

6. The Assistant Engineer,
TANGEDCO,
Kannivadi,
Dindigul District – 624 616.

7. The Assistant Engineer,
TANGEDCO,
Ottanchathiram – 624 619,
Dindigul District.

... Respondents

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.3 to 7 to disburse all benefits and family pension along with other monetary benefits due to one John @ John Bosco to the petitioners and the second respondent equally with interest within a time frame to the writ petitioners herein, as may be fixed by this Court

For Petitioners : Mr.V.Sakthivel



W.P.(MD).Nos.24981 and 22066 of 2022

For Respondents

: Mr.G.Aravinthan – for R1

: Mrs.M.Parameswari
for R3 to R7

W.P(MD) No.22066 of 2022:

J.Sahayamary

... Petitioner

Vs.

1. The Superintending Engineer,
TANGEDCO,
ANGN Nagar, S.S. Complex,
Meenakshinaickenpatti,
Dindigul – 2.
2. The Executive Engineer,
TANGEDCO,
No.110/22, S.S.Complex,
Dharapuram Road,
Ottanchathiram – 624 619,
Dindigul District.
3. The Assistant Executive Engineer,
TANGEDCO,
No.110/22KV/SS,
Kannivadi,
Dindigul District – 624 616.
4. The Assistant Engineer,
TANGEDCO, Kannivadi,
Dindigul District – 624 616.
5. The Assistant Engineer,
TANGEDCO,
Ottanchathiram – 624 619,
Dindigul District.



W.P.(MD).Nos.24981 and 22066 of 2022

6. Mahalakshmi

7. Susai Mary

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 5 to disburse all pensionary benefits and family pension along with other monetary benefits due to the petitioner's deceased husband, John @ John Bosco, together with interest at 9% per annum, by considering the representation of petitioner, dated 29.09.2021, within a time frame, as may be fixed by this Court.

For Petitioner	: Mr.G.Aravinthan
For Respondents	: Mrs.M.Parameswari
	For R1 to R5
	: Mr.V.Sakthivel – for R6
	: No appearance – for R7

COMMON ORDER

W.P(MD) No.24981 of 2022 has been filed by one Minor Teena Maclin and Mrs.Mahalakshmi claiming that they are the daughter and wife of one deceased John @ John Bosco. W.P(MD) No.22066 of 2022 has been filed by one Sahayamary claiming herself as the wife of the deceased John @ John Bosco.



W.P.(MD).Nos.24981 and 22066 of 2022

WEB COPY

2. In both the writ petitions, the prayer has been sought for as against the Electricity Board to disburse the family pension, terminal benefits and other monetary benefits of the deceased John Bosco to the respective petitioners. In W.P(MD) No.24981 of 2022, the mother of the deceased namely, C.Susai Mary is shown as the second respondent.

3. The second petitioner in W.P(MD) No.24981 of 2022 and the petitioner in W.P(MD) No.22066 of 2022 claim themselves to be the legally wedded wife of the the deceased John @ John Bosco. Therefore, it is clear that there is a rival claim and there is a dispute with regard to the validity of the marriage of the respective parties. The petitioners and the second respondent in W.P(MD) No.24981 of 2022 have filed O.S.No.45 of 2023 before the District Munsif Court, Athoor, seeking a declaration that they are the only legal heirs of the deceased John @ John Bosco. In the said suit, Sahayamary is shown as the first defendant. This Court exercising power under Article 226 of the Constitution of India, cannot decide as to who is the legally wedded wife of the deceased John @ John Bosco. It has to be decided by the competent Civil Court, for which, already the said suit has been instituted.



W.P.(MD).Nos.24981 and 22066 of 2022

WEB COPY

4. In the light of the above said facts, this Court cannot issue a mandamus directing the TANGEDCO to disburse the family pension and the terminal benefits to the respective writ petitioners. However, the respondents authorities are directed to disburse the terminal benefits depending upon the orders of the Civil Court.

5. It is brought to the notice of this Court that the first defendant in O.S.No.45 of 2023 was set *ex parte* on 03.10.2023. The learned counsel appearing for the plaintiffs, on instructions, submits that they would not have any objections to set aside the *ex parte* order as against the first defendant, in case, if any application is filed within a period of 30 days from today. The parties to the suit are directed to co-operate for expeditious disposal of the suit.

6. With the above said observations, this Writ Petitions stand disposed of. There shall be no order as to costs.

16.11.2023
(2/2)

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

6/8



W.P.(MD).Nos.24981 and 22066 of 2022

WEB COPY

To

1. The Superintending Engineer,
TANGEDCO,
ANGN Nagar, S.S. Complex,
Meenakshinaickenpatti,
Dindigul – 2.
2. The Executive Engineer,
TANGEDCO,
No.110/22, S.S.Complex,
Dharapuram Road,
Ottanchathiram – 624 619,
Dindigul District.
3. The Assistant Executive Engineer,
TANGEDCO,
No.110/22KV/SS,
Kannivadi,
Dindigul District – 624 616.
4. The Assistant Engineer,
TANGEDCO,
Kannivadi,
Dindigul District – 624 616.
5. The Assistant Engineer,
TANGEDCO,
Ottanchathiram – 624 619,
Dindigul District.



WEB COPY



W.P.(MD).Nos.24981 and 22066 of 2022

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)Nos.24981 and 22066 of 2022

16.11.2023

2/2