



W.P.(MD).No.27333 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.27333 of 2023

Vijayalakshmi

... Petitioner

Vs.

1. The General Manager (HR)
Tamil Nadu News Print and Papers Limited
(TNPL)
(A Government Enterprise)
Mondipatti, K.Periyapatti Post,
Manapparai Taluk,
Tiruchirappalli District – 621 306.

2. Thendral

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the first respondent from disburse or release death cum retirement benefits, insurance money, gratuity and all other monetary benefits for petitioner's deceased son Nandhakumar, who was working as Assistant Plant Engineer (Mechanical) at the first respondent to the second respondent without their consent.



W.P.(MD).No.27333 of 2023

WEB COPY

For Petitioner : Mr.M.Kala Murugappan

ORDER

The present writ petition has been filed seeking a Mandamus forbearing the first respondent from disbursing or releasing any death cum retirement benefits and all other monetary benefits to the second respondent without the consent of the writ petitioner.

2. One Nandhakumar, who was working in the first respondent Company had passed away leaving behind the writ petitioner who is his mother and the second respondent who is his wife and a minor daughter, namely, Riyanika. After the death of said Nandhakumar, it is seen that there is a dispute between the petitioner and the second respondent herein in receiving the terminal benefits.

3. As per law, the petitioner, second respondent as well as the daughter of the deceased, namely, Riyanika are equally entitled to share all the benefits that have accrued due to the death of the said Nandhakumar. Therefore, for



W.P.(MD).No.27333 of 2023

releasing the share of the second respondent or the minor daughter viz., Riyanika, the question of seeking no objection from the petitioner does not arise, since the petitioner's legal right is restricted only to her 1/3rd share in the benefits. Therefore, the mandamus prayed for cannot be issued.

4. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

17.11.2023

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

To

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W.P.(MD).No.27333 of 2023

R.VIJAYAKUMAR,J.

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W.P(MD)No.27333 of 2023

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