



WEB COPY



W.P.No. 6365 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6365 of 2024

M.Madhu

....

Petitioner

Vs

1. The Commissioner of Police,
Salem Commissionerate,
Salem – 636 002.

2. The Principal Accountant General,
Tamil Nadu,
No.361, Anna Salai,
Teynampet,
Chennai – 600 018.

3. M.Sumathi

....

Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 & 2 to consider the representation of the petitioner dated 01.01.2024 seeking for not to grant or issue death or retirement benefits to the third respondent in respect of the death of her husband, viz., M.Baskaran.

For Petitioner

: Mr.B.Manimaran

For R1

: Mrs.R.L.Karthika

Government Advocate

ORDER



W.P.No. 6365 of 2024

WEB COPY

This Writ Petition has been filed for a direction directing the respondents 1 & 2 to consider the representation of the petitioner dated 01.01.2024 seeking for not to grant or issue death certificate or retirement benefits to the third respondent in respect of the death of her husband, viz., M.Baskaran.

2. The third respondent's husband was a younger brother of the petitioner. The third respondent's husband was working as Special Inspector of Police in Salem Town Police Station. He fell ill. He was admitted into various hospitals and the petitioner had spent more money for his treatment. However, he died on 02.07.2023. During his demise also the petitioner had spent money for settling the hospital bills. That apart, the third respondent also borrowed loan from the petitioner. Therefore, the third respondent is liable to pay a sum of Rs.15 Lakhs to the petitioner. The third respondent also promised and executed an undertaking affidavit to settle the amount.

3. Based on the undertaking affidavit, now the petitioner submitted a representation to the respondents 1 and 2 not to settle the death or retirement benefits to the third respondent on the demise of her husband. Since, the said representation was not considered, the petitioner is before this Court.



W.P.No. 6365 of 2024

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent and perused the materials available on record.

5. If at all there is any claim between the petitioner and the third respondent, the petitioner can very well file a suit against the third respondent. On the basis of the undertaking given by the third respondent, the representation submitted by the petitioner cannot be considered and the writ petition itself is devoid of merits.

6. Accordingly, this Writ Petition stands dismissed. No costs.

12.03.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
Lpp

G.K.ILANTHIRAIYAN, J.

Lpp

To

1. The Commissioner of Police,

3/4



W.P.No. 6365 of 2024

Salem Commissionerate,
Salem – 636 002.

WEB COPY

2. The Principal Accountant General,
Tamil Nadu,
No.361, Anna Salai,
Teynampet,
Chennai – 600 018.

W.P.No.6365 of 2024

12.03.2024