



W.P.No.5351 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.5351 of 2024

V.Dhanalakshmi

...Petitioner

-Vs-

State represented by:
The Superintendent of Police,
Kanchipuram District,
Kanchipuram,
Collector Office Compound

...Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to disburse all the monetary benefits payable to the petitioner on account of the death of her husband viz. Late Vasudevan alias Srinivasan who had served as SI of Police and voluntarily retired from service on 31.07.2012 by considering the petitioner's representation dated 21.12.2023.

For Petitioner : Mr.K.M.Balaji

For Respondent : Mr.R.L.Karthika
Government Advocate



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ORDER

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This writ petition has been filed for direction directing the respondent to disburse all the monetary benefits payable to the petitioner on account of the death of her husband viz. Late Vasudevan alias Srinivasan who had served as SI of Police and voluntarily retired from service on 31.07.2012 by considering the petitioner's representation dated 21.12.2023.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner claims to be the wife of one Vasudevan, who was working as Sub Inspector of Police at Walajabad Police Station. Due to his ill health, he got voluntary retirement on 31.07.2012. Thereafter, he died on 20.09.2012. He was not paid with any death-cum-retirement benefits. Thereafter, the petitioner and others filed a suit in O.S.No.97 of 2013 as against one Vijayakumari, who is the rival claimant, claiming to be the wife of late Vasudevan @ Srinivasan, on the file of the Principal District Munsif Court, Kanchipuram for declaration declaring that the plaintiffs are the legal heirs of the deceased Vasudevan @ Srinivasan. The said suit was decreed on



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29.09.2023. Aggrieved by the said Judgment and Decree, the rival claimant viz., Vijayakumari filed an appeal suit in A.S.No.64 of 2023 and obtained an order of interim stay of operation of Judgment and Decree in O.S.No.97 of 2013. On the strength of the said Judgment and Decree in O.S.No.97 of 2013, the petitioner submitted a representation to the respondents for disbursal of death-cum-retirement benefits payable on account of death of the said Vasudevan @ Srinivasan in her favour.

4. The learned Government Advocate appearing for the respondent submitted that when the said Vasudevan @ Srinivasan was alive, he had entered the name of Vijayakumari as nominee. The said Vijayakumari was nominated as a nominee on 15.03.1986. After a period of three months, the said Vasudevan @ Srinivasan got married to the petitioner. In fact, while he was alive, he did not take any steps to nominate the petitioner as nominee in the service records.

5. In view of the above, the direction sought for in this writ petition cannot be considered and this writ petition is devoid of merits and is liable to be dismissed. However, subject to the result of the Appeal Suit, the petitioner



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or the rival claimant viz, Vijayakumari can claim the death-cum-retirement benefits of the deceased Vasudevan @ Srinivasan from the respondent.

6. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

01.03.2024

Internet: Yes

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order

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To

The Superintendent of Police,
Kanchipuram District,
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G.K.ILANTHIRAIYAN. J,

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