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W.P.No.6711 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

CORAM:

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

W.P.No.6711 of 2024

and

W.M.P.No.7468 of 2024

S.Amudha

...Petitioner

-Vs-

1.The District Collector,
Collector Office,
Erode-638 011.

2.Deputy Director,
Office of Health Service,
Erode-638 012

3.The Tahsildar,
Modakuruchi Taluk,
Thindal, Erode.

4.The Block Medical Officer,
Primary Health Care Centre,
Malaiyadivaram Road,
Chennimalai,
Erode-638 051.

5.Rajeshwari

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certioararified Mandamus to call for the records in connection with the impugned rejection order passed by the 2nd respondent in



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Na.Ka.No.2533/A6/2023 dated 13.02.2024 and to quash the same as illegal and incompetent and consequentially direct official respondents not to disburse the Death cum Retirement benefits of my deceased husband in favour of 5th respondent.

For Petitioner : Mr.Ma.P.Thangavel

For R1 & R3 : Mrs.R.L.Karthika
Government Advocate

For R2 & R4 : Mr.M.Brindan,
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent dated 13.02.2024, thereby rejected the claim made by the petitioner, not to disburse the Death cum Retirement benefits in favour of the fifth respondent.

2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 & 3 and the learned Additional Government Pleader appearing for the respondents 2 and 4 and perused the materials available on record.

3. The petitioner got married to one C.Manivannanboopathi on 15.11.1992 and gave birth to one female and one male child. However, there was misunderstanding between them and as such, her husband filed a petition for divorce in HMOP No.76 of 2005 on the file of the Sub Court, Erode.



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Simultaneously, the petitioner also filed a petition for restitution of conjugal rights in HMOP No.188 of 2005 on the file of the Sub Court, Erode. The Trial Court dismissed the petition filed by the petitioner for restitution of conjugal rights and allowed the petition for divorce filed by her husband. Thereafter, the said C.Manivannaboopathi got married to the fifth respondent. In the meanwhile, the petitioner filed appeals in CMA Nos.4 & 5 of 2009 on the file of the Principal District Court, Erode. However, both the appeals were dismissed.

4. While being so, she also filed a maintenance case as against the said C.Manivannaboopathi. She also filed a private complaint as against the said C.Manivannaboopathi, the fifth respondent and others. While the said C.Manivannaboopathi was working in service as Non Medical Supervisor, he died on 23.05.2023. Therefore, the petitioner submitted a representation not to disburse the terminal benefits, family pension and other benefits to the fifth respondent.

5. Admittedly, the said C.Manivannaboopathi got divorce in HMOP No.76 of 2005 on the file of the Sub Court, Erode, by a Judgment and Decree dated 28.11.2008. Thereafter, he got married the fifth respondent. So far, the marriage between the said C.Manivannaboopathi and the fifth respondent is not nullified by any Court of Law. Further, the fifth respondent is



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the wife of the said C.Manivannaboopathi and her name was duly registered in the service register. Therefore, the claim of the petitioner was rightly rejected.

6. In view of the above, this Court finds no infirmity or illegality in the order dated 13.02.2024 in Na.Ka.No.2533/A6/2023 passed by the second respondent. Thus, the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

15.03.2024

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

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G.K.ILANTHIRAIYAN. J.

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