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W.P.No.12662 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM

THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.12662 of 2024

P. Selvi

... Petitioner

Vs.

1. The District Collector
Chennai District,
Chennai.

2. The Tahsildar
Mambalam - Guindy Taluk,
Chennai 600 078.

3. K. Rajendran

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the respondents 1 & 2 to consider the petitioner's representation dated 01.04.2024 sent for disbursement of all service benefits and other benefits available on account of death of the petitioner's brother, K.Ramalingam, a Firka Revenue Inspector in Government of Tamil Nadu, Revenue Department, Chennai Collectorate under the respondents 1 and 2 and subsequently died on 05.06.2011 while he was in service.

For Petitioner : Mr.R.Thanjan

For Respondents : Mr.C.Jayaprakash
Government Advocate for R1 & R2



W.P.No.12662 of 2024

ORDER

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This writ petition has been filed for a Mandamus to direct the respondents 1 & 2 to consider the petitioner's representation dated 01.04.2024 sent for disbursement of all service benefits and other benefits available on account of death of the petitioner's brother, K.Ramalingam, a Firka Revenue Inspector in Government of Tamil Nadu, Revenue Department, Chennai Collectorate under the respondents 1 and 2 and subsequently died on 05.06.2011 while he was in service.

2. The learned counsel for the petitioner submitted that the petitioner is claiming disbursement of all service benefits on account of death of her brother K.Ramalingam. The petitioner's brother K.Ramalingam was working as a Firka Revenue Inspector and he died on 05.06.2011 while in service and the said Ramalingam is survived by the petitioner who is his sister and one more brother K. Rajendran. Their parents also predeceased the said Ramalingam and that there are no class-I heirs and the petitioner and another brother namely K.Rajendran being the class II heirs the benefits have to be paid to them. However, the matter is kept pending till date.



W.P.No.12662 of 2024

3. Heard both side and perused the materials available on record.

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4. Since the petitioner has made positive averments in the writ petition that there are no other class-I heirs and since the legal heirship certificate is also issued by the concerned Tahsildar stating that the petitioner and her brother K.Rajendran alone are the class II heirs and both of them are coming under entry-II of schedule II of the Hindu Succession Act they will be equally entitled to the retiral benefits of the deceased employee. In that view of the matter, the respondents 1 & 2 shall consider the claim of the petitioner in accordance with law within a period of four weeks from today and if the petitioner and her brother namely K.Rajendran are found eligible the respondents 1 & 2 shall disburse the said amount within a period of four weeks, thereafter.

5. With the above observation and direction, the writ petition is disposed of. No costs.

03.06.2024

Neutral Citation: Yes/No
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W.P.No.12662 of 2024

D.BHARATHA CHAKRAVARTHY, J.

dpq

To

1. The District Collector
Chennai District,
Chennai.
2. The Tahsildar
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Chennai 600 078.

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