



W.P.(MD).No.7538 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.7538 of 2024

S.P.Natarajan

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (KUM) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam-612 001.

2.The General Manager,
Tamil Nadu State Transport
Corporation (KUM) Ltd.,
Karaikudi Region,
Maruthupatti, Managiri,
Karaikudi, Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to remove the petitioner's previous wife name from his Service Register and include his 2nd wife namely Sivajothi as his legal heir in the SR Book by considering his representation dated 05.03.2023.



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For Petitioner : Mr.P.Vijaynivas

For Respondents : Mr.K.Ramaiah,
Standing Counsel

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The present writ petition has been filed seeking direction to the respondents to remove the petitioner's previous wife name from his Service Register and include his 2nd wife namely Sivajothi as his legal heir in the SR Book by considering his representation dated 05.03.2023.

3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner is a retired employee of the Tamil Nadu State Transport Corporation (Kum) Ltd. Having served more than 28 years, he retired as Special Grade Driver at Karaikudi Branch in the year 2019. During his service, his first wife name, i.e., Ananthy was included as legal heir in his Service



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Register. However, in the meanwhile, due to the matrimonial dispute, the petitioner has separated from his first wife in the year 2000 itself. In view of the same, the petitioner had requested the respondents to remove his first wife's name from his Service Register. He has also filed the divorce petition before the Family Court on the ground of desertion. The said petition for divorce in H.M.O.P.No.No.74 of 2023 on the file of the Sub Court, Devakottai has been decreed on 17.10.2023. On receipt of the same, the petitioner had approached the respondents seeking to remove the petitioner's first wife name, i.e., Ananthy from his Service Register as his legal heir and to include his second wife name, i.e., Sivajothi in his Service Register book. He made a representation dated 05.03.2024 in this regard. Since the same was not considered by the respondents, the present writ petition came to be filed.

4. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to



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consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. Without going into the merits of this case, this Court hereby direct the 1st respondent to consider the petitioner's representation dated 05.03.2024 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition stands disposed of. No costs.

26.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



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L.VICTORIA GOWRI, J.

Sml

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