



WP(MD) No.9523 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.9523 of 2024

Soliyammal

... Petitioner

Vs.

1.The Superintendent of Police,
Erode District,
Erode – 638 001.

2.The Treasury Officer,
District Treasury,
Collectorate Campus,
Thanthonimalai,
Karur – 639 007.

...Respondents



WP(MD) No.9523 of 2024

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to complete the enquiry of the first respondent with respect to the communication given by the second respondent dated 12.01.2024.

For Petitioner : Mr.K.Muthu Ganesa Pandian

For Respondents : Mr.J.Ashok

Additional Government Pleader

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to complete the enquiry of the first respondent in respect to the communication received from the second respondent dated 12.01.2024.

2. Heard Mr.K.Muthu Ganesa Pandian, learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents.



WP(MD) No.9523 of 2024

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

4. The petitioner, who has given with a family pension considering her relationship with the deceased late.Samuvel, as his wife has been deprived of getting the said family pension on account of the suit filed by the first wife's children in O.S.No.551 of 2005 and obtained a decree. The said suit in O.S.No.551 of 2005 is filed to stall the pensionary benefits and get an exparte decree. Subsequently, the petitioner had given a representation to the first respondent to release the family pension, for which, the second respondent has sought a clarification with the first respondent whether the family pension be released to Mrs.Soliyammal, the petitioner herein.



WP(MD) No.9523 of 2024

WEB COPY

5. The learned counsel for the petitioner submitted that the petitioner herself has filed a suit in O.S.No.715 of 2008 for declaration that the decree passed in O.S.No.551 of 2005 is null and void and got a decree in her favour on 20.10.2010.

6. However, the learned Additional Government Pleader submitted that as against the said judgment passed in O.S.No.715 of 2008, the first wife's children has preferred an appeal in A.S.No.118 of 2010 and the same was allowed on 29.06.2012.

7. In such case, it is for the second respondent to give his clarification to the first respondent after ascertaining from the petitioner whether she had filed any second appeal in order to enable him to pass further orders. On receipt of such clarification, the first respondent shall pass orders as expeditiously as possible.



WP(MD) No.9523 of 2024

WEB COPY

8. With the above observation, this Writ Petition is

disposed of. No costs.

18.04.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

RM

To

1.The Superintendent of Police,
Erode District,
Erode – 638 001.

2.The Treasury Officer,
District Treasury,
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Karur – 639 007.



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WP(MD) No.9523 of 2024

R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.9523 of 2024

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18.04.2024