



W.P.(MD).No.18880 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.18880 of 2024

M.Mariappan

... Petitioner

Vs.

1. The Dean,
The Principal Office,
Tirunelveli Medical College &
Hospital,
(High Specialized Unit),
Tirunelveli – 11.
2. The Branch Manager,
Regional Office,
Indian Overseas Bank,
Branch: (0778) Kovilpatti,
134 – 138, Main Road,,
Kovilpatti – 628 501.
3. The Branch Manager,
The Repatriates Co-operative Finance &
Development Bank Limited,
[REPCO BANK],
Kovilpatti Branch,
No.1/1, Arunachalam Pettai Street,
1st Floor, Kovilpatti – 628 501.



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4. The Branch Manager,
Life Insurance Corporation of India – 667,
Kovilpatti Branch,
952-5 Sattur Main Road,
Kovilpatti – 628 501.

5. India Post Payments Bank Limited,
Survey No.11, 204,
Ettayapuram Road,
Iluppaiyurani,
Kovilpatti – 628 501.

... 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 1 to 5 to dispose the representation filed by the petitioner dated 16.02.2024 for change of name of nominee on the file of the respondents in accordance with law and procedures in force.

For Petitioner	: Mrs.S.Bhuvaneswari
For R1	: Mr.S.Shaji Bino Special Government Pleader
For R4	: Mr.Shanmugaraja Sethupathy
For R5	: K.Govindarajan Deputy Solicitor General of India

ORDER

The present Writ Petition has been filed seeking a Mandamus as against the respondents to dispose of the representation given by the writ petitioner for changing the name of nominee on the file of the respondents.



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2. The petitioner's sister, who was working as a Staff Nurse in the first respondent Medical College and Hospital, was murdered by her husband, who is alleged a mentally challenged person. After the murder, the father is confined to the Central Prison and three minor children are under the custody of the writ petitioner.

3. According to the learned counsel appearing for the writ petitioner, the terminal benefits of the deceased sister are lying in the hands of the first respondent, the deposits made by the deceased sister are lying in the hands of the respondents 2, 3 and 5 and the deceased sister has taken a policy with the fourth respondent/Life Insurance Corporation.

4. According to the learned counsel appearing for the writ petitioner, since all the three children are in his custody, the nomination has to be altered in the name of the writ petitioner. So that, he would be entitled to receive those benefits for the better up-keeping of the three minor children.

5. The facts narrated above would clearly indicate that the writ petitioner is seeking the custody of the three children and he wants to receive



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the benefits from all the respondents. Such an order could not be passed by this Court under Article 226 of the Constitution of India. The petitioner is at liberty to approach the appropriate civil Court for getting custody of the children and for receipt of the benefits from the respondents herein.

6. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

05.08.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Dean,
The Principal Office,
Tirunelveli Medical College &
Hospital,
(High Specialized Unit),
Tirunelveli – 11.



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R.VIJAYAKUMAR,J.

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