



W.P.(MD)No.3611 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.11.2024**

CORAM:

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

W.P.(MD)No.3611 of 2019

Elizabeth

... Petitioner

/Vs./

1. The Accountant General A&E,
Tamil Nadu, Chennai-600 018.

2. The Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.

3. The Tahsildar,
Kovilpatti,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the 3rd Respondent in his proceedings Oo.Mu.Aa3/1714/2018 dated 09.01.2019, quash the same and directing the 3rd respondent to issue a certificate to the petitioner saying that the petitioner's name as Elizabeth and Subbulakshmi are one and the same.



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For Petitioner : Mr.P.Senthur Pandian
For Respondents : Mr.P.Gunasekaran (R1)
Mr.D.Gandhiraj (R2 & R3)
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the third respondent dated 09.01.2019, thereby rejected the request made by the petitioner to certify that the petitioner namely, Elizabeth and Subbulakshmi are one and the same.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. One Gurusamy, who was working as Office Assistant in the office of the second respondent, got retired in the year 1986 and thereafter, he died on 14.12.1989. After his demise, his wife was receiving the family pension. The petitioner is claiming to be the first daughter of the said Gurusamy and her name was given as Subbulakshmi



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during his service and her marital status was also given as 'married'.

Subsequently, the petitioner and other family members converted into Christianity and changed her name as Elizabeth.

4. It is seen that the petitioner's father is a Hindu and married a Christian lady. On her father's side, her name is Subbulakshmi and on her mother's side, her name is Elizabeth. After demise of her mother, the family members obtained legal heirship certificate in the name of Elizabeth. But, the service records of her father shows her name as Subbulakshmi. After demise of her mother, the petitioner claimed family pension, as she is an unmarried daughter. However, while her father was alive, her name in the service records was not changed, insofar as the petitioner's name is Elizabeth. Therefore, the claim of the petitioner seeking family pension was not considered by the first respondent and the revenue authorities were directed to verify and report.

5. Accordingly, the name of the petitioner was verified by the revenue authorities and the third respondent has no authority or jurisdiction to declare that the petitioner's both names, Elizabeth and



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Subbulakshmi are one and the same. That apart, according to her father, the first daughter, Subbulakshmi got married. Therefore, if the petitioner is claiming to be Subbulakshmi, she cannot claim any family pension.

6. Further, even assuming that the petitioner is unmarried daughter of Gurusamy, while her father was alive, the status of the petitioner was not changed in the service records. Even after his demise, while the petitioner's mother was receiving family pension, the petitioner did not take any steps to change her status as 'unmarried' in the service records of her father. After demise of her mother in the year 2015, the petitioner woke up and raise an issue that she is an unmarried daughter and is claiming family pension. Therefore, this Court does not find any infirmity or illegality in the order passed by the third respondent. This writ petition is liable to be dismissed. Accordingly, this writ petition is dismissed. No costs.

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Index : Yes / No
NCC : Yes / No
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TO:-

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Kovilpatti, Thoothukudi District.
2. The Tahsildar,
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G.K.ILANTHIRAIYAN, J.

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Order made in
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