



W.P.(MD).No.19039 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19039 of 2023

K.Anandhavalli

... Petitioner

Vs.

1. The Principal Secretary to the Government,
Rural Development and Panchayat Raj,
Secretariat, Chennai.
2. The Accountant General, (A&E)
No.261, Anna Salai,
Chennai – 600 108.
3. The Director,
Directorate of Rural Development and
Panchayat Raj,
Saidapet,
Chennai – 600 015.
4. The District Collector,
Kanyakumari District
at Nagercoil.
5. The Block Development Officer,
Thiruvattar,
Kanyakumari District.



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6. The District Treasury,
Nagercoil,
Kanyakumari 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 second respondent to sanction the family pension in P.P.O.No.52319/FA of Late.B.Kaveri Amma to the petitioner as the dependent and one of the divorced legal heir and divorced daughter by considering the petitioner's representation dated 24.11.2015 and the reminder representation dated 02.01.2023 within a time stipulated by this Court.

For Petitioner : Mr.S.Vashik Ali

For R1 & R3 to R5 : Mr.S.Shanmugavel
Additional Government Pleader

For R2 : Mr.Gunasekaran

ORDER

The instant writ petition has been filed by the daughter of a deceased Jeep Driver in the fifth respondent Office seeking a Mandamus as against the second respondent to sanction family pension as a dependent and divorced legal heir by considering her representation dated 24.11.2015 and reminder representation dated 02.01.2023.



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2. The petitioner's father namely, A.Madhusouthan Nair, who was working as a Jeep Driver, had passed away on 31.10.1977 and his wife B.Kaveri Ammal passed away on 05.07.2015. Thereafter, the petitioner has sought for granting family pension in her name on the ground that she had entered into a registered divorce agreement with her husband on 08.02.1983 and registered a Document No.5 of 1983 before the Sub Registrar, Thuckalay, as per the custom prevailing in the Nair Community. The petitioner further contends that she has not remarried thereafter.

3. A perusal of the typed set of papers reveals that the Deputy Secretary to Government, Rural Development and Panchayat Raj Department, has addressed a communication to the third respondent herein requesting him to ascertain the existence of the custom in the Community of the parties to the marriage in question and verify whether the divorce had actually taken place in accordance with such custom and sent a report to the said effect. However, it is not known whether any such report was submitted by the third respondent herein.



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4. In view of the above said deliberations, the third respondent herein is directed to send a report to the Deputy Secretary to the Government, Rural Development and Panchayat Raj Department, as called for by him in his letter dated 18.11.2019, within a period of eight weeks from the date of receipt of a copy of this order. On receipt of the said report, the first respondent is directed to take a final decision within a period of twelve weeks thereafter.

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

28.08.2024

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