



W.P.(MD).No.24425 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.24425 of 2024

M.Muneeswari

... Petitioner

Vs.

1. The Principal Secretary/Commissioner,
Department of Backward Classes,
Ezhilagam Annex Building,
2nd Floor,
Chepauk, Chennai – 5.

2. The District Backward Classes
and Minorities Welfare Officer,
Office of the District Backward Classes
and Minorities Welfare Officer,
District Collectorate Complex,
Virudhunagar Town and 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 herein to disburse the Death-cum-Retirement benefits of the petitioner's father's brother namely Muniyandi to the petitioner and her mother by considering the petitioner's representation dated 07.06.2024 within a stipulated period of time to be fixed by this Court.



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For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.S.S.Madhavan
Government Advocate

ORDER

The instant Writ Petition has been filed seeking a Mandamus as against the authorities to disburse the Death-cum-Retirement benefits of the petitioner's father's brother namely, Muniyandi to the petitioner and her mother by considering the petitioner's representation dated 07.06.2024.

2. The petitioner's father's brother namely, Muniyandi, who was working as a Cook in the Government Backward Classes Students Welfare Hostel at Vanniyampatti, had passed away as a bachelor. Therefore, the petitioner's father had filed O.S.No.22 of 2022 before the District Munsif Court-cum-Judicial Magistrate Court No.1, Srivilliputhur, seeking a declaration that he is the sole legal heir to receive all the terminal benefits of his deceased brother Muniyandi. In the said suit, the Tahsildar Srivilliputhur and the State of Tamil Nadu represented by the District Collector, Virudhunagar District were made as defendants. The said suit was decreed on



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01.08.2023, declaring that the petitioner's father is the sole legal heir of deceased Muniyandi.

3. It is the contention of the learned counsel appearing for the writ petitioner that the petitioner's father Muniyasami has also passed away on 06.12.2023 leaving behind the petitioner and his mother namely, Mallika as his legal heirs.

4. In view of the above said facts, the petitioner and her mother alone are entitled to receive the terminal benefits. Seeking the said benefits, the petitioner has sent a representation to the second respondent herein on 18.03.2024. Since the same was not considered, the present writ petition has been filed.

5. By way of proceedings dated 14.08.2024, the second respondent herein had addressed a communication to the writ petitioner seeking to submit all the documents. However, it is the contention of the petitioner that they have already submitted documents that were called for.



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6. In view of the above said facts, the petitioner is directed to re-submit all the documents as called for in the proceedings dated 14.08.2024, within a period of two weeks from the date of receipt of a copy of this order. On such submission, the second respondent herein is directed to disburse the terminal benefits of the deceased Muniyandi to the petitioner and her mother namely, Mallika equally, within a period of twelve weeks thereafter.

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

18.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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