



W.P.(MD) No.25627 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.25627 of 2022

K.Latha

...

Petitioner

-vs-

1.The Principal Secretary to Government,
Revenue and Disaster Management Department,
Secretariat,
Chennai – 600 009.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.Saranya

4.Sowendarya

...

Respondents

(Respondents 3 and 4 are impleaded
as per order of this Court, dated 29.08.2024,
passed in W.M.P.(MD) No.17129/2024)

PRAYER: Writ Petitions is filed under Article 226 of the Constitution of India,
praying for issuance of a writ of mandamus, directing the respondents i.e.,
the Principal Secretary to Government, Revenue and Disaster Management



W.P.(MD) No.25627 of 2022

WEB COPY

Department, Chennai, and the District Collector, Sivagangai, for the disbursement of retirement benefits of the petitioner's late husband Thiru K.Nagananthan to the petitioner.

For Petitioner : Mr.S.Visvalingam

For Respondents 1 & 2 : Mr.S.Shanmugavel,
Addl.Govt.Pleader.

For Respondents 3 & 4 : Mr.K.Sivabalan,
for M/s.Aron Legal Consultant.

ORDER

The instant Writ Petition has been filed by the second wife of the deceased Government servant, seeking a mandamus for disbursement of retirement benefits of her late husband Shri K.Nagananthan.

2. Shri K.Nagananthan was serving as Special Tahsildar (Land Acquisition), National Highways Division, Devakottai, Sivagangai District. He passed away on 29.02.2017. During his lifetime, he had divorced his first wife, namely, Amudha, through Court on 04.04.2014. Thereafter, he got remarried to the writ petitioner on 15.09.2014.



W.P.(MD) No.25627 of 2022

WEB COPY

3. The writ petitioner herein has filed O.S.No.43 of 2018 before the District Munsif, Devakottai, seeking succession certificate and the same was allowed on 30.08.2022, granting succession certificate to the effect that the writ petitioner and her two daughters and the children through the first wife are the legal heirs of the deceased K.Nagananthan.

4. In view of the dispute between the parties relating to the legal heirs status, the respondent authorities have not disbursed the terminal benefits of the deceased employee, K.Nagananthan.

5. The present Writ Petition was originally filed by the second wife as against the official respondents alone. Thereafter, the children through the first wife have filed W.M.P.(MD) No.17129 of 2024 and got themselves impleaded as third and fourth respondents in the present writ petition today.

6. Learned counsel appearing for third and fourth respondents submits that as per the legal heir certificate issued by the revenue officials, the first wife's children, the second wife, and the children through the second wife are the legal heirs of the deceased K.Nagananthan. He further submits



W.P.(MD) No.25627 of 2022

that the petitioner herein, who is the second wife, is eligible to receive family pension and the other retirement benefits have to be shared by five legal heirs, equally.

7. In view of the consensus arrived at between the parties, this Court is inclined to pass the following order :

(1) The respondent authorities are directed to confer family pension upon the writ petitioner, after completion of all formalities.

(2) The retirement benefits of the deceased K.Nagananthan shall be disbursed to all five legal heirs, equally.

(3) Such exercise shall be completed within twelve weeks from the date of receipt or production of copy of this order.

8. Writ Petition stands disposed of, as above. No costs.

29.08.2024

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

(2/2)

dixit



W.P.(MD) No.25627 of 2022

WEB COPY

To:

- 1.The Principal Secretary to Government,
Revenue and Disaster Management Department,
Secretariat,
Chennai – 600 009.
- 2.The District Collector,
Sivagangai District,
Sivagangai.



WEB COPY



W.P.(MD) No.25627 of 2022

R.VIJAYAKUMAR, J.

dixit

W.P.(MD) No.25627 of 2022

(2/2)

29.08.2024