



W.P.(MD).No.25148 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.25148 of 2023

and

W.M.P(MD).No.21363 of 2023

Rengammal

... Petitioner

Vs.

- 1.The Chief Educational Officer,
Multi Office Block-I,
Collectorate Office back side, Theni.
- 2.The District Educational Officer,
Master Plan Complex,
Allinagaram, Theni District.
- 3.The District Elementary Educational Officer,
Theni, Theni District.
- 4.The Correspondent,
Edwart Memorial Middle School,
Thenkarai, Periyakulam,
Theni District.
- 5.The Head Master,
Edwart Memorial Middle School,
Thenkarai, Periyakulam,
Theni District.

6.Balamani

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to disburse all the monetary benefits to the petitioner as first class legal heirs of deceased son Mookaiah based on the representation dated 22.09.2023.

For Petitioner	: Mr.S.Vellaichamy
For R1 to R3	: Mr.M.Siddharthan Additional Government Pleader
For R4 & R5	: No appearance
For R6	: Mr.R.Murali

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus seeking direction against the respondents 1 to 3 to disburse all the monetary benefits to the petitioner as first class legal heirs of deceased son Mookaiah based on the representation dated 22.09.2023.

2. Heard Mr.S.Vellaichamy, learned counsel for the petitioner, Mr.M.Siddharthan, learned Additional Government Pleader for the respondents 1 to 3, Mr.R.Murali, learned counsel for the 6th respondent.

3. Mr.S.Vellaichamy, learned counsel for the petitioner submitted that the petitioner's son namely, Mookaiah, who was working as



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Secondary Grade Teacher in the fourth respondent School, married the sixth respondent on 18.05.1995 and they had no children. Due to the difference of opinion arose between the petitioner's son and the sixth respondent, the sixth respondent filed a petition for divorce and the same was decreed, thereby the marriage between them was dissolved in the said decree dated 19.07.2023. Thereafter, the petitioner's son Mookaiah died on 21.07.2023, due to heart failure. According to the petitioner, after the demise of her son, she would be entitled for all the monetary benefits, since the relationship between the petitioner's son and the sixth respondent was ceased. Hence, the petitioner preferred a representation dated 22.09.2023 to the respondents along with necessary documents requesting them to disburse the monetary benefits. On receipt of the representation, the fourth respondent sent a communication dated 26.09.2023, stating that already sixth respondent made an objection not to disburse the monetary benefits of the petitioner's son and hence after deciding the issue by the authorities, the amount will be disbursed. The sixth respondent who is also working as Headmistress in Government Elementary School, Periyakulam, Theni District, may not have any difficulty in leading her life. Having no other way, the petitioner has come before this Court by way of filing this Writ Petition.



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4. The respondents did not disburse the terminal benefits in view of the legal heir certificate furnished by the petitioner in which the sixth respondent is being added as one of the legal heirs of the deceased. On perusal of the legal heir certificate dated 12.09.2023, it is seen that the sixth respondent has also been included as a legal heir of the deceased Mookaiah, even though her marital status with the deceased was shown as divorced. Once the marital status of any person, whether the person alive or death, is dissolved by the court of law, then there is no question of claiming any rights of the deceased.

5. The petitioner has been instructed to get revised legal heir certificate for disbursing the death benefits of late Mookaiah. But so far, the petitioner has not produced the same. Unless the petitioner produces the required certificate, she cannot expect the authorities to consider her representation for releasing the benefits.

6. The petitioner is aggrieved due to the irregular and improper manner in which the legal heir certificate has been issued by the authority concerned. The petitioner's remedy would lie by challenging



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the said certificate and not seeking direction against the respondents to disburse the terminal benefits by relying upon the same certificate which even according to the petitioner is erratic.

7. With the above observations, this Writ Petition is **disposed of**.

No costs. Consequently, connected miscellaneous petition is closed.

26.04.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr

To:

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R.N.MANJULA, J.

Nsr

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