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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.12.2024**

CORAM:

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

W.P.(MD)No.28590 of 2024

P.K.Geetha

... Petitioner

-Vs-

1.The Secretary,
The Tamil Nadu Advocate Welfare Fund Committee,
Bar Council of Tamil Nadu & Puducherry,
High Court Campus, Chennai-600 104.

2.The Secretary,
Thoothukudi Bar Association,
Combined Court Buildings,
Thoothukudi, Thoothukudi District.

3.K.Jothimani

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to recover the 1/4th of the Tamil Nadu Advocates' Welfare Fund Amount which was given to the third respondent through Cheque bearing No.355094 dated 25.11.2024 drawn on Indian Bank, High Court Branch, Chennai and thereby, grant the petitioner 1/4th of the Tamil Nadu Advocates' Welfare Fund amount within a stipulated time frame by considering the petitioner's representation dated 25.11.2024.



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For Petitioner
For R1

: Mr.A.Robinson
: Mr.Niranjan S.Kumar

ORDER

This writ petition has been filed seeking for a direction directing the first respondent to recover 1/4th of Tamil Nadu Advocates' Welfare fund amount, which was disbursed in favour of the third respondent on the demise of her husband.

2.The petitioner is the mother of one P.K.Muthukumar, who was practicing as an Advocate at Thoothukudi and Tirunelveli District. He was murdered and FIR has been registered in Crime No.48 of 2023 for the offence under Sections 147, 148, 449, 303 r/w 107 IPC and Section 3(2)(V) of SC/ST (Prevention of Atrocities) Act. Due to his demise, the third respondent, who is the wife of the said Muthukumaran and also the nominee in the Advocate's Tamil Nadu Welfare Fund, she was settled with the Welfare fund amount from the first respondent through the second respondent by way of Cheque bearing No.355094 dated 23.11.2024.



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3.The petitioner being the mother of the said deceased Advocate now, claims 1/4th share in the Tamil Nadu Advocate Welfare Fund, which was already disbursed in favour of the third respondent.

4.Admittedly, the third respondent is the nominee of her husband, namely P.K.Muthukumar. Therefore, she was rightly disbursed with the Tamil Nadu Advocate Welfare fund amount by the first respondent. Hence, the claim made by the petitioner cannot be considered and the writ petition is devoid of merits and is liable to be dismissed. Accordingly, it is **dismissed**.

5.At this juncture, the learned counsel for the petitioner submitted that the petitioner belongs to SC community and as such at the demise of her second son by murder, she is entitled to a monthly pension under the SC/ST Act on submission of NOC from the third respondent.

5.Though notice has been served to the third respondent, none appeared today before this Court either in person or through learned counsel.

6.The third respondent is working as a Teacher in the Government School. The petitioner lost her two sons, that too by way of murder. Therefore,



the third respondent is directed to issue NOC to the petitioner for obtaining monthly pension forthwith. The District Welfare Officer, Adi Dravider Welfare Department, Thoothukudi is directed to sanction monthly pension in favour of the petitioner within a period of four weeks from the date of receipt of NOC from the third respondent. No costs.

12.12.2024

Index : Yes / No
NCC : Yes / No
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To

1.The District Welfare Officer,
Adi Dravider Welfare Department, Thoothukudi.

2.K.Jothimani,
W/o P.K.Muthukumar,
East Street,
Sorispuram,
Koramapallam Post,
Thoothukudi



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G.K.ILANTHIRAIYAN, J.

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