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W.A.No.16 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR**

**W.A.No.16 of 2025
and
C.M.P.No.67 of 2025**

1. Easwari
2. Dhanalakshmi

... Appellants

-Vs-

1. K.Devaraj
2. The Assistant General Manager,
BSNL Office,
Gandhiji Road,
Erode,
Erode District.
3. Malliga

4. Saraswathi
- ... Respondents

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 06.07.2023 in W.P.No.17059 of 2020.

For Appellants : Mrs.P.Dharani

For Respondents : Mr.K.A.Vimal Kumar for R1
Mr.M.T.Arunan for R2



W.A.No.16 of 2025

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order dated 06.07.2023 made in W.P.No.17059 of 2020.

2. One K.Durairaj was working in BSNL at Erode and he expired on 25.04.2016, who is none other than the brother of the present appellants as well the first respondent, i.e., K.Devaraj.

3. While he was alive, the said Durairaj got married, but subsequently he obtained a divorce decree in H.M.O.P.No.116 of 1994 on the file of the Sub Court, Erode against the legally wedded wife and the decree was passed on 19.06.2000. After the divorce decree against his wife, the said Durairaj did not marry anyone and he was living alone. During that time, he adopted the children, namely Om Praveen Kumar @ Praveen Kumar and one Sri Iswarya who were the son and daughter of the first respondent, K.Devaraj, who is none other than the brother of the deceased K.Durairaj, the employee of the BSNL.



4. The adoption has been made by way of adoption deed and it has been registered as Document No.1582 of 2008 dated 24.11.2008. After that adoption has been taken place during the lifetime of Durairaj, two children were nurtured by him. When that being so, on 25.04.2016, the said Durairaj died leaving behind the two children, i.e., adopted son and daughter who were originally none other than the son and daughter of the first respondent, i.e., Devaraj.

5. Therefore, after the demise of said Durairaj, on behalf of the adopted son and daughter, the first respondent / writ petitioner being the guardian of the children of the deceased Durairaj had approached the employer for getting the retiral benefits and since the same has not been given, he was driven to get a legal heir certificate after getting orders from the Court and a legal heir certificate also was issued by the Tahsildar concerned in favour of the adopted son and daughter.

6. After getting the legal heir certificate for adopted son and daughter, even then since the retiral benefits have not been disbursed, the said Devaraj, the brother of the deceased and also the guardian of the adopted son and daughter of the deceased Durairaj, had approached the writ Court by filing the said writ petitioner with a prayer of writ of mandamus.



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7. In the said writ petition, initially only the BSNL employer was the party and subsequently, the other respondents, namely, Easwari, Dhanalakshmi, Malliga and Saraswathi who are the present appellants as well the respondents 3 & 4 had been impleaded. The present appellants and the said private respondents are none other than the sisters of the deceased Durairaj as well as the first respondent, i.e., Devaraj.

8. The said writ petition having been heard was allowed by the learned Judge through the order impugned dated 06.07.2023, whereby the employer was directed to settle and disburse the retirement benefits, pension and other benefits of late K.Durairaj to the adopted son and daughter, namely, Om Praveen Kumar @ Praveen Kumar and one Sri Iswarya after verifying their identity via their Aadhar Card and other relevant documents.

9. Aggrieved over the said order passed by the writ Court, the present intra-Court appeal has been filed by the present appellants who are the respondents 2 & 5 in the writ petition as they are the sisters of the deceased employee.



W.A.No.16 of 2025

WEB COPY

10. Heard Mrs.P.Dharani, learned counsel appearing for the appellants, Mr.K.A.Vimal Kumar, learned counsel appearing for the first respondent / writ petitioner and Mr.M.T.Arunan, learned counsel for the second respondent BSNL. There is no representation for the respondents 3 & 4.

11. The two children of the writ petitioner, i.e., Devaraj were adopted by the deceased employee Durairaj as early as on 24.11.2008 and adoption deed also has been registered as Document No.1582 of 2008, based on which, only the legal heir certificate subsequently after the demise of K.Durairaj was issued by the Tahsildar concerned and therefore, every legal formalities have been complied with on the side of the writ petitioner as well as the adopted son and daughter. When that being so, the present appellants claiming to be the sisters of the deceased employee cannot claim legal heir ship over the deceased employee and if at all as stated by Mrs.P.Dharani, learned counsel appearing for the appellants that only in suspicious circumstances, such adoption deed has been registered, even then the adoption deed which has been registered as Document No.1582 of 2008 dated 24.11.2008 has not so far been questioned. Therefore, if at all they got any grievance over such adoption or alleged adoption, the adoption deed should have been questioned before the concerned forum which they have not followed. When that being the position, based on



W.A.No.16 of 2025

the legal documents since orders have been passed by the writ Court through the impugned order giving direction to the employer to pay the retirement benefits of the deceased employee to the adopted son and daughter and to that extent, the order passed by the writ Court cannot be said to be an infirmed one and therefore, we do not find any reason to interfere with the said order.

12. In that view of the matter, the Writ Appeal is liable to be dismissed, accordingly, it is dismissed. The dismissal of this writ appeal would not preclude the appellants to agitate the issue on the genuinity of the adoption deed in the manner known to law before the concerned Court. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (H.C., J.)
23.09.2025

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

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W.A.No.16 of 2025

WEB COPY

To

The Assistant General Manager,
BSNL Office,
Gandhiji Road,
Erode,
Erode District.



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W.A.No.16 of 2025

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HEMANT CHANDANGOUDAR, J.**

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