



WEB COPY



W.P.No.42842 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.42842 of 2025

Sivakami

... Petitioner

Versus

1. The Director General of Police,
Office of the Director General of Police,
Radhakrishnan Salai, Mylapore, Chennai.

2. The Additional Director General of Police,
Office of the Director General of Police,
Radhakrishnan Salai, Mylapore, Chennai.

3.Selvi

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India, pleased to issue a Writ of Mandamus, to direct the first and second respondents herein to conduct an enquiry and identify the person who is competent to receive the retirement benefits of the petitioner's deceased husband Subramanian S/o. Alagar, Commandant, TST II Battalion in Tamil Nadu Police Department at Avadi, Chennai, within stipulated time pursuant to the representation dated 07.04.2025.

For Petitioner : Mr. M. Rajkumar

For Respondents : Mr. Yogesh Kannadasan,
Special Government Pleader.



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ORDER

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This Writ Petition has been filed seeking a direction to the first and second respondents to conduct an enquiry and identify the person who is competent to receive the retirement benefits of the deceased/Subramanian, who is the husband of the petitioner.

2. The petitioner claims to be the legally wedded wife of the deceased/Subramanian, who was serving as Commandant, TSP II Battalion in Tamil Nadu Police Department at Avadi, Chennai. The said Subramanian was due to retire on 30.04.2020, but unfortunately, he passed away on 01.05.2020, before receiving his terminal benefits. It is further submitted that the third respondent is also claiming to be the wife of the deceased/Subramanian and has staked a claim for the said benefits.

3. In view of the rival claims made by the petitioner and the third respondent, the issue as to who is the legally wedded wife of the deceased Subramanian and consequently, who is entitled to receive the retirement benefits, is a disputed question of fact, which can be decided only by a competent Civil Court after letting in proper evidence.



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4. Therefore, the first and second respondents are not a competent to adjudicate the issue of marital status or decide as to who is the competent person to receive the terminal benefits of the deceased employee, and who is the legally wedded wife of the deceased/Subramanian.

5. In view of the above, the representation dated 07.04.2025 submitted by the petitioner cannot be considered by the first and second respondents. Accordingly, this Writ Petition stands dismissed. No costs.

6. However, the petitioner as well as the third respondent are at liberty to approach the Civil Court, seeking a declaration as to who is legally wedded wife of the deceased/Subramanian, and thereafter, based on such declaration, make a claim before the first and second respondents for disbursal of the retirement benefits.

06.11.2025

Index : Yes/No
Speaking/Non-Speaking Order
Neutral Case Citation : Yes/No

klt



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G.K.ILANTHIRAIYAN. J,

klt

To

1. The Director General of Police,
Office of the Director General of Police,
Radhakrishnan Salai, Mylapore, Chennai.
2. The Additional Director General of Police,
Office of the Director General of Police,
Radhakrishnan Salai, Mylapore, Chennai.

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