



WEB COPY



W.P. No.47922 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2025

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. Nos.47922 of 2025

Malliga

Petitioner

Vs

1. The Commissioner
Greater Chennai Corporation,
Rippon Building, Chennai.

2.The District Revenue Officer/
None-8, Greater Chennai Corporation,
36 B-Pulla Avenue,
Shenoy Nagar, Chennai -30.

3.The Assistant Commissioner,
Public Department (Pension Section),
Greater Corporation of Chennai.

4.Kondamma

5.T.Gopi

6.T.Rajesh

Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the impugned proceedings in Na.Ka.No. C4/857/2022 dated 28.09.2022 on the file of the 2nd



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respondent and quash the same and consequently, to direct the respondents 1 to 3 to sanction family pension to the petitioner on the basis of the legal heirs certificate issued by the Tahsildar, Pallavaram and no objections given by 4th to 6th respondents, without insisting further order from the civil court.

For Petitioner : Mr.Shaikh Mehrunisa

For Respondents : Ms.Aswini Devi. K
for R1-R3

ORDER

Ms. K. Aswini Devi, learned counsel takes notice for the respondents 1 to 3. As no adverse orders are passed against the respondents 4 to 6, notice to the them is dispensed with.

2. This writ petition has been filed to call for the records relating to the impugned proceedings in Na.Ka.No. C4/857/2022 dated 28.09.2022 on the file of the 2nd respondent, to quash the same and consequently direct the respondents 1 to 3 to sanction family pension to the petitioner on the basis of the Legal Heirship Certificate issued by the Tahsildar, Pallavaram and the no-objection given by respondents 4 to 6, without insisting upon any further order from the Civil Court.

2. Facts in brief :-

a) The petitioner claims to be the second wife of one Tirupal (deceased).



It is stated that the deceased earlier married one Kondamma, and through the said wedlock, they were blessed with two sons, namely Gopi and Rajesh, who are arrayed as respondents 5 and 6 herein. It is further stated that Kondamma thereafter performed another marriage and started living separately.

b) According to the petitioner, for the purpose of taking care of the two sons of the deceased, Tirupal contracted a second marriage with the petitioner. However, admittedly, no documentary proof evidencing the said marriage has been produced. However, it is the contention of the petitioner that in the Aadhar card, Family card etc., her name finds place as Member of the deceased Thirupal, along with two sons. While so, in the year 2019, her husband died. After the demise of Thirupal, the petitioner applied for a Legal Heirship Certificate, and the Tahsildar, Pallavaram issued a certificate in favour of the petitioner and respondents 5 and 6 as legal heirs of the deceased. It is stated that after obtaining necessary No Objection Certificates, an amount of Rs.3,00,000/- was initially disbursed to the elder son of the deceased by the 1st respondent.

c) Subsequently, the elder son of the deceased, submitted a representation dated 16.07.2019 seeking compassionate appointment. In the meanwhile, as per certain requirements, the petitioner filed O.S. No.113 of 2020 before the IV Additional Family Court, Chennai, as against the 1st wife, Kondamma, wherein the 1st respondent herein was also arrayed as a party respondent. During the



pendency of the said suit, the 1st respondent, vide proceedings dated 28.04.2021, rejected the claim of the petitioner's son and refused to disburse the terminal benefits of the deceased on the ground that the deceased had contracted a second marriage without dissolving the 1st marriage through due process of law. The said proceedings were challenged before this Court in W.P. No.2186 of 2022, and this Court, by order dated 03.01.2022, quashed the said proceedings. Thereafter, O.S. No.113 of 2020 was referred to Lok Adalat, and based on a Joint Memo of Compromise, the suit came to be closed. After a considerable lapse of time, she submitted a representation seeking sanction of family pension. However, the 2nd respondent, though they had earlier obtained No Objection Certificates, rejected the petitioner's claim stating that she is not the legally wedded wife of the deceased, vide impugned proceedings dated 28.09.2022, which is under challenge in the present writ petition.

3. Learned counsel for the petitioner submitted that as per the impugned proceedings dated 28.09.2022, the petitioner as well as the 1st wife have been denied terminal benefits. He further submitted that the civil suit filed by the petitioner culminated in a compromise before the Lok Adalat, wherein the 1st wife had given her "No objection". Based on the said compromise decree, the petitioner seeks a direction to the respondents to disburse the terminal benefits.



He therefore contended that the impugned order is unsustainable and liable to be set aside and prays for allowing of this writ petition.

4. Per contra, learned counsel appearing for the official respondents submitted that the sons of the deceased through the 1st wife, namely respondents 5 and 6, who are necessary and proper parties, were not impleaded in the civil suit. Hence, the compromise decree passed therein is not binding on them. Therefore, in that position, the official respondents are unable to disburse the pension to the petitioner. She further contended that unless the petitioner establishes her legal status in appropriate civil proceedings against the children of the deceased, no relief can be granted in writ jurisdiction.

5. This Court has carefully considered the rival submissions and perused the materials placed on record.

6. It is not in dispute that respondents 5 and 6, being the sons of the deceased through the 1st wife, are undisputed legal heirs. Admittedly, they were not impleaded as parties in the civil suit which culminated in a compromise decree before the Lok Adalat. In the absence of their impleadment, the said compromise decree cannot bind them nor can it form the basis for directing the respondents to disburse the terminal benefits. It is only the legally wedded wife and the children born to the deceased are entitled to succeed as legal heirs.



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Though the Legal Heirship Certificate mentions the petitioner along with respondents 5 and 6, serious disputed questions of fact arise with regard to the marital status of the petitioner, which cannot be adjudicated in exercise of jurisdiction under Article 226 of the Constitution of India. Therefore, this Court cannot issue a writ directing disbursement of family pension or terminal benefits based on a compromise decree which does not bind all necessary parties. Such issues necessarily require adjudication before a competent Civil Court after affording opportunity to all concerned parties.

7. For the aforesaid reasons, this Court is of the considered view that the petitioner has an effective alternative remedy to work out her rights, by instituting appropriate civil proceedings against the children of the deceased Tirupal as well as the first wife of the deceased.

8. With the aforesaid observations, this writ petition stands disposed of. However, liberty is granted to the petitioner to work out her remedy in the manner known to law. No costs.

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Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

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M. DHANDAPANI, J.

vsi2

To

1. The Commissioner
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