



W.P.(MD) No.829 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.829 of 2021

and

W.M.P.(MD) No.695 of 2021

D.Vasudevan

... Petitioner

-vs-

1.The District Collector
Collector Office
Theni, Theni District

2.The Assistant Director of
Land Survey
Collector Office
Theni, Theni District

3.Amirthammal

4.Minor.Ponmana Selvan
@ Selvan
[R4 is represented by R3]

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the



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impugned Letter dated 03.11.2020 in Na.Ka.A5/2427/2017 of the 2nd respondent and quash the same and thereby directed the 1st and 2nd respondents to pay death benefits of deceased Kowsalya to the petitioner in accordance with order in C.R.P.No.2466 of 2011, dated 19.11.2019 passed by this Court within stipulated time.

For Petitioner : Mr.B.Rajesh Saravanan

For Respondents : Mr.S.S.Madhavan
Additional Government Pleader for R1 & R2
Mr.C.M.Arumugam for R3 & R4

ORDER

This writ petition has been filed challenging the impugned letter dated 03.11.2020, issued by the second respondent intimating the petitioner that the death benefits of the deceased Kowsalya have been given to the private respondents, namely, respondents 3 & 4 in this writ petition.

2. The petitioner claims that he is the legally wedded husband of the deceased Kowsalya, who was employed in the Survey Department, Government of Tamil Nadu.



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3. According to the petitioner, he had filed a succession original petition before the competent Court for the purpose of obtaining a succession certificate in respect of the death benefits payable to the deceased Kowsalya. Though the succession original petition was dismissed by the Trial Court, the findings of the Trial Court were reversed by the lower Appellate Court in favour of the petitioner and a succession certificate was granted as prayed for by him. Aggrieved by the findings rendered by the lower Appellate Court, the private respondents preferred a civil revision petition before this Court in C.R.P.(NPD) (MD) No.2466 of 2011. The said civil revision petition was dismissed by this Court by its order dated 19.11.2019. Therefore, the findings rendered by the lower Appellate Court in favour of the petitioner have attained finality as no further appeal has been filed by the private respondents, aggrieved by the said order dated 19.11.2019 passed in C.R.P.(NPD) (MD) No.2466 of 2011.

4. Learned counsel appearing for the private respondents would submit that the private respondents have filed a review application seeking to review the order dated 19.11.2019 passed in C.R.P.(NPD) (MD) No.2466 of 2011. The same submission was made before this Court as early as on



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02.09.2024, which was also recorded by this Court in its order dated 02.09.2024.

5. Admittedly, till date, the review application said to have been filed by the private respondents has not been listed for hearing and no favourable orders have been obtained by the private respondents in the said review application. Since the petitioner has been declared as the only legal heir of the deceased Kowsalya by the order of the lower Appellate Court as well as in the order dated 19.11.2019 passed by this Court in C.R.P.(NPD) (MD) No.2466 of 2011, the petitioner alone is entitled to the death benefits payable to the deceased Kowsalya.

6. However, learned Additional Government Pleader appearing for the official respondents, on instructions, would submit that the death benefits, as per the impugned letter dated 03.11.2020, have already been disbursed to the private respondents. Since the death benefits have already been disbursed, the only remedy now available to the petitioner is to recover the death benefits received by the private respondents by filing a civil suit.



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7. Learned counsel for the petitioner submits that earlier the private respondents were receiving family pension in respect of the deceased Kowsalya and only by virtue of the interim stay granted by this Court in this writ petition, the payment of family pension to the private respondents has been stopped. He would submit that in future as well, the family pension should not be paid to the private respondents.

8. After recording the aforementioned undisputed facts, this Court issues the following directions:

- (a) The petitioner is directed to approach the Civil Court for recovery of the death benefits received by the private respondents on account of the deceased Kowsalya.
- (b) The official respondents are directed to pay the family pension to the petitioner from the date when the payment of family pension in favour of the private respondents was stopped pursuant to the interim stay granted by this Court in this writ petition, within a



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period of eight weeks from the date of receipt of a copy of this order.

- (c) The official respondents are also directed to continue paying the family pension to the petitioner every month on account of the deceased Kowsalya as per the Pension Rules.

9. With the aforesaid directions, this writ petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

02.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

1.The District Collector
Collector Office,
Theni, Theni District.

2.The Assistant Director of
Land Survey,
Collector Office,
Theni, Theni District.



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ABDUL QUDDHOSE, J.

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