



W.P.(MD)No.17215 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.17215 of 2025

Jeyapremsingh

... Petitioner

-VS-

1.The Superintending Engineer,
Purchase and Administration,
Tuticorin Thermal Power Station,
Thoothukudi - 628 004.

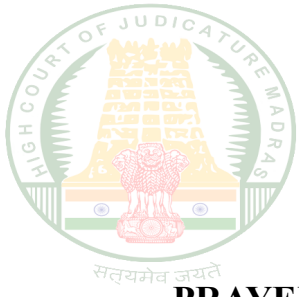
2.The Executive Engineer,
Civil Maintenance Division II,
Tuticorin Thermal Power Station,
Thoothukudi - 628 004.

3.The Assistant Engineer / Civil,
SEC-I/SUB-DN-I/CMD-II,
Tuticorin Thermal Power Station,
Thoothukudi - 628 004.

4.The Assistant Executive Engineer / Civil, Sub Division III /
Civil Maintenance Division III,
Tuticorin Thermal Power Station,
Thoothukudi - 628 004.

5.Jeyajothi

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 03.05.2025, within the time frame that may be stipulated by this Court.

For Petitioner : Mr.S.Muthu Malai Raja

For R1 to R4 : Mr.S.Arivalagan
Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 to 4 to consider the petitioner's representation dated 03.05.2025, wherein he has sought disbursement of his rightful share in the death benefits of his late mother, Nagamani and to take appropriate action thereon within a stipulated time frame.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Since no adverse orders are going to be passed against the fifth respondent, notice to the fifth respondent is hereby dispensed with.

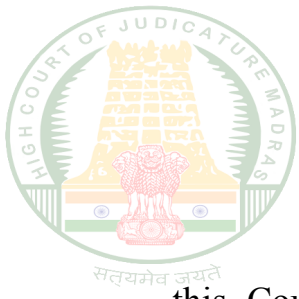


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4. According to the petitioner, his mother, Nagamani, was employed as a 'Foreman Grade - II' in the Thermal Power Station, Tuticorin. She passed away on 22.07.2023 after receiving medical treatment at Tuticorin Government Medical College Hospital. The petitioner and his sister, the fifth respondent Jeyajothi, W/o.(Late) Rajendran, are the only surviving legal heirs of the deceased Nagamani. The petitioner's father, Rasal, passed away on 17.01.2015 and his brother, Kumar, predeceased their parents on 14.03.2003. The fifth respondent applied for and received the entire death benefits of their mother by submitting a consent deed and legal heir certificate to the first respondent on 03.07.2024 and the amount was disbursed to her on 15.11.2024 through Indian Overseas Bank.

5. The petitioner came to know about the same only recently, as he was unable to apply for his lawful share due to being falsely implicated in Crime No. 71/2023 under Sections 454, 457 and 380 IPC, arrested on 19.06.2023 and detained in judicial custody. Subsequently, he was detained under the Goondas Act by the order of the District Magistrate, Thoothukudi, in H.S.(M) Confidl. No. 80/2023 dated 10.07.2023 and lodged in Central Prison, Palayamkottai. His detention was challenged in H.C.P.(MD)No.1334 of 2023 filed by his wife and



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this Court was pleased to set aside the detention order on 11.12.2023. The petitioner was released from prison on 15.12.2023. Due to his incarceration and subsequent family circumstances, including strained relations with the fifth respondent, the petitioner could not submit his claim for the death benefits of his mother earlier. Despite being named nominee by his late mother and applying for compassionate appointment, his request was denied on the grounds of the pending criminal case, which remains contested.

6. The petitioner submits that the fifth respondent obtained the death benefits unilaterally and without his knowledge, thereby depriving him of his rightful share. Hence, the petitioner is constrained to approach this Court seeking appropriate direction to the respondents to ensure that his share of the death benefits of his late mother is disbursed to him in accordance with law.

7. Heard the learned counsel appearing for the parties.

8. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of



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keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

9. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 03.05.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the fifth respondent, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

10. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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