



W.P.(MD)No.19421 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

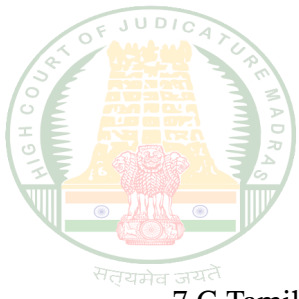
W.P.(MD)No.19421 of 2025
and
W.M.P.(MD)No.14934 of 2025

C.Rajan

... Petitioner

-VS-

- 1.The Director,
Directorate of Indian Army Veteran,
Adjutant Generals Branch,
IHQ of MoD (Army),
Maude Lines,104 Cavalry Road,
Delhi 110 010.
- 2.The District Collector cum Chairman,
Ex - Servicemen Grievance Redress Committee,
Nagarcoil,
Kaniyakumari District.
- 3.The Deputy Director,
Ex - Servicemen Welfare,
Ex- Services Centre and Shopping Complex,
Railway Feeder Road, Kottar,
Nagercoil,
Kanyakumari - 629 002.
- 4.K.Chellaswamy
- 5.Saraswathi
- 6.C.Semraj



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7.C.Tamilarasan
8.C.Sujatha

... Respondents

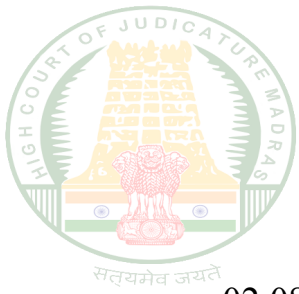
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in O.Mu.No.3054/2020/A4 dated 08.04.2022, passed by the third respondent, quash the same as illegal and consequently, direct the third respondent to recover the remaining amount from the fifth respondent and disburse the same to the petitioner.

For Petitioner	:	Mr.J.Senthil Kumaraiah
For R1 and R3	:	Mr.H.Velavadhas Standing Counsel
For R2	:	Mr.S.R.A.Ramachandran Additional Government Pleader

ORDER

This Writ Petition has been filed seeking to quash the impugned order passed by the third respondent, dated 08.04.2022 and consequently to direct the third respondent to recover the remaining amount from the fifth respondent and disburse the same to the petitioner.

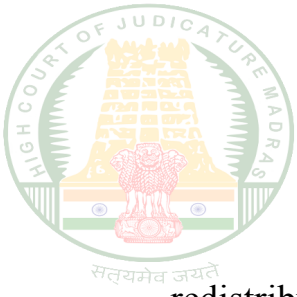
2. The learned counsel for the petitioner submits that the petitioner's brother, C.Prabhu, who was serving as a 'Soldier' in the Indian Army, passed away



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on 02.08.2016 while in service at the Military Hospital, Dinjan, Assam. He died unmarried and the legal heir certificate issued by the competent authority names six legal heirs, including the petitioner. However, without verifying or considering the legal heirship certificate, the concerned authorities disbursed the entire death benefits amounting to Rs.44,15,867/- solely to the petitioner's mother in 2018. Subsequently, the petitioner's younger brother, C.Semaraj, exerted undue influence on the mother and illegally took control of the entire amount, depriving the other legal heirs of their lawful share.

3. The learned counsel for the petitioner further submits that despite several representations by the petitioner seeking equitable distribution, the authorities failed to act, compelling him to approach this Court in W.P.(MD)No.15598 of 2018, which was disposed of on 29.11.2021, with a direction to conduct an enquiry. However, the impugned order dated 08.04.2022 passed by the second respondent mechanically treated the matter as a private family dispute without appreciating the lapse in procedure by the authorities in disbursing benefits without obtaining consent from all legal heirs. Therefore, the petitioner prays for quashing of the impugned order and for appropriate directions to recover and

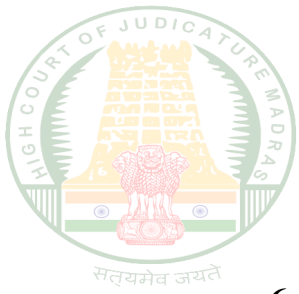


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redistribute the death benefits equally among all the legal heirs in accordance with law.

4. The learned Standing Counsel appearing for the respondents 1 and 3 submits that the entire death benefits of the deceased Army personnel, C.Prabhu, were lawfully disbursed in the year 2018 to his mother, who was recognized as the nominee/legal heir at the relevant point of time. The disbursement was made following due procedure and there was no objection raised by any of the other legal heirs at that stage. The dispute raised by the petitioner now pertains to the apportionment or sharing of the amount already received by the mother, which is essentially a private family dispute among legal heirs. Such issues cannot be resolved in a writ petition under Article 226 of the Constitution of the India and the same must be adjudicated by a competent Civil Court, where parties can lead evidence regarding their respective claims. The respondents have no further role to play once the amount has been disbursed to the lawful recipient and the petitioner's grievance, if any, lies only against his own family members.

5. Heard both sides.



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6. Upon considering the submissions and perusal of the records, this Court finds no merit in the writ petition. It is not in dispute that the death benefits of the deceased soldier were disbursed in the year 2018 to the petitioner's mother. The petitioner's grievance pertains to the alleged misappropriation of the said amount by his younger brother, which is a matter of intra-family dispute over distribution of funds. This Court is of the opinion that such personal disputes regarding division of benefits among the legal heirs involve disputed questions of fact and require detailed examination of evidence, which cannot be undertaken in writ jurisdiction.

7. Furthermore, the respondents, having completed the disbursement process based on available records and the prevailing norms at the time, cannot be faulted. If the petitioner is aggrieved by the manner in which the amount was handled thereafter, it is open to him to seek appropriate remedy before the competent Civil Court. Therefore, the writ petition is dismissed as not maintainable in view of the nature of the relief sought. No costs. Consequently, connected Miscellaneous Petition is closed.

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

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