



WEB COPY

WP No. 8732 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2026

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 8732 of 2026

G.Sumathi

Petitioner(s)

Vs

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

2.The Zonal Health Officer
Zone-9, Greater Chennai Corporation
Nungambakkam, Chennai.

3.K.S.Manjula
Special Sub Inspector Of Police,
No.M1, Otteri Police Quarters,
Perambur Barracks Road,
Pattalam, Chennai-4

Respondent(s)

PRAYER: This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the records and quash the proceedings in Ma.Na. A.9/ Po. Su. Thu / Na.Ka. No.0281/ 2026 dated 04.02.2026 passed by the 2nd respondent and further directed the 2nd respondent to change petitioner the name address in the death certificate No.D-2024-33-15448- 000552 dated 23.09.2024 as per the proceedings RC. No.PNE/ EZ/ 37/ 2886/ 2022 dated 23.12.2025 passed by the Joint Commissioner, East Zone, greater Chennai Police, Chennai.

For Petitioner(s): Mr.P.Muthamizh Selvakumar
For Respondent: Mr.D.B.R.Prabhu RR1 & 2

**ORDER**

This petition has been filed seeking to quash the proceedings in Ma.Na. A.9/ Po. Su. Thu / Na.Ka. No.0281/ 2026 dated 04.02.2026 passed by the 2nd respondent and further directed the 2nd respondent to change petitioner the name address in the death certificate No.D-2024-33-15448- 000552 dated 23.09.2024 as per the proceedings RC. No.PNE/ EZ/ 37/ 2886/ 2022 dated 23.12.2025 passed by the Joint Commissioner, East Zone, greater Chennai Police, Chennai.

2. It is the case of the petitioner that the petitioner husband (late) joined the police service in the year 1988 and he was superannuated on 31.05.2022. On 01.09.1985, the petitioner got married and out of the wedlock, she given birth to two daughters. After death of the petitioner's husband, the petitioner requested to pay the monthly pension to the petitioner as the legally wedded wife but there was no response. The petitioner made application to RTI to furnish the pension book and other service records of the petitioner's husband. After seeing it, the petitioner came to know that the petitioner was nominated to receive the gratuity and pension but the third respondent photo was affixed in the annexure by mentioned the petitioner's name. On detailed enquiry, she came to know that the third respondent was leading adulterous life with her husband. Therefore the petitioner made a representation on 28.12.2024 to the Director General of Police



by requesting to take action as against the 3rd respondent and also to pay monthly family maintenance to the petitioner with arrears. There was no action taken by the respondents. Hence, the petitioner approached this Court by filing a writ petition in WP.No.4426 of 2025. On 10.09.2025, this Court disposed of the writ petition and directed the respondent to complete the proceedings initiated by the petitioner within the stipulated time. Pursuant to the same, the Joint Commissioner of Police has passed the proceedings dated 23.12.2025 declared that the petitioner alone is the legal wife of the deceased and she is eligible to get pensionary and terminal benefits of the deceased. Before that the death certificate issued by the second respondent mentioned the third respondent name as wife and addresses of the deceased as the third respondent address vide death certificate dated 23.09.2024 respectively. In pursuant of the proceedings, the second respondent passed the order dated 04.02.2026 rejecting the petitioners representation on the ground that there is no specific direction of this Court for declaring concern person as a wife of the deceased. Challenging the said order, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submitted that this Court may direct the respondents to correct the death certificate of the petitioner's husband based on the order passed by the Joint Commissioner of Police. Without considering the said certificate, the second respondent rejected the petitioners request which is not sustainable. Hence, this Court may allow the writ petition.



4. The learned counsel appearing for the respondents submitted that in the death certificate, the third respondent's name and address has been mentioned as a legal heir. The petitioner has also claimed that she is the wife of the deceased Government Servant. It is a disputed question of fact and the same cannot be decided by this Court or by the respondents. Hence, the respondents have clearly advised in the impugned order that the petitioner has to approach the competent civil court and the same is perfectly in order, which requires no interference.

5. Heard the learned counsel for both side and perused the materials available on record. Since no adverse order is passed against the third respondent, notice to the third respondent is dispensed with.

6. On perusal of the affidavit as well as the impugned order, it is made clear that the claim made by the petitioner is disputed question of fact, which cannot be decided by this Court as well as the respondents and the same has to be decided only by the competent civil forum. Without approaching the civil Court, the petitioner has filed the present petitioner, which is not sustainable.

7. Considering the facts and circumstances of the case, this Court, without rendering any opinion on the merits of the case and without interfering with the impugned order, permits the petitioner to file a suit before the competent Civil



Court. If the petitioner files a suit, the concerned Judge, shall decide the issue after providing opportunity to the petitioner as well as the third respondent, on merits and in accordance with law, without influencing any of the observation made in the impugned order passed by the second respondent.

8. With the aforesaid direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

06-03-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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2. The Zonal Health Officer
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