



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2026

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**WA No. 368 of 2022
AND
WP NO. 7321 OF 2022**

1. V.B.Mark Jayaseelan Paul

Appellant(s)

Vs

1. The Secretary To Govt
Health and Family Welfare Dept.
Government of Tamil Nadu,
Secretariat, Chennai 9.

2.The Accountant General
Anna Salai, Chennai 6.

Respondent(s)

WP No. 7321 of 2022

1. V.B.Mark Jayaseelan Paul

Appellant(s)

Vs

1. State
rep by its Revenue and Disaster
Management Department, Secretariat,
Chennai-600 009.

2.State
rep. by its, Secretary to Government,
Health and Family Welfare
Department, Government of Tamil



Nadu, Secretariat, Chennai-600 009.

3.The Tahsildar

Mettur Taluk, Salem District-636 401.

4.The Deputy Director

Public Health and Preventive
Medicine, Salem District.

5.Tmt.Margret Clara @ Margret Clara

Kirubabai

13-1-80,

Pudur Sampalli Veerakkal Village,

Raman Nagar Post, Mettur Taluk,

Salem District-636 403.

Respondent(s)

WA No. 368 of 2022

PRAYER

To set aside the order in WP No.25858/2017 dated 21.02.2020 and allow this Writ Appeal.

WP No. 7321 of 2022

PRAYER

Calling for the entire records pertaining to the impugned legal heir certificate made on 22.07.1997 in D.D is 9198/1997 infavour of 5th respondent by 3rd respondent with the connivance of 4th respondent and consequently direct the 1st respondent to quash the same and further direct the 2nd respondent to issue required G.O. sanctioning of interest payment at the rate of 12 percentage compounded annually w.e.f. 24.10.1997 on the delayed payment of DCRG sum of Rs. 2,54,100/- (When delayed DCRG payment made after 6 months since death of deceased Government Servant) to date of payment to the petitioner and sanction further interest thereon also on the accrued / accumulated amount till the dated of actual payment to meet both the ends of justice.

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For Appellant(s): Mr.A.S.Palanisamy

For Respondent(s): Mr.M.Bindran

Additional Government Pleader for R1 & 2



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For Appellant(s): Mr.A.S.Palanisamy

For Respondent(s): Mr.M.Bindran
Additional Government Pleader for R1 -4
R5 – not ready in notice

COMMON ORDER

(Order of the Court was made by S.M.Subramaniam J.)

Intra-court appeal in WA.No.368 of 2022 has been instituted to assail the writ order dated 21.02.2020 in WP.No.25858 of 2017.

2.WP.No.7321 of 2022 has been instituted challenging the legal heir certificate issued by Tahsildar, Mettur in the year 1997.

3.As far as the writ appeal is concerned, learned Single Judge of this Court found that the payment of interest for belated settlement of DCRG alone was the claim set out by the appellant, and in respect of the said claim, a direction was issued to the Government to consider the case of the appellant on merits and in accordance with law.

4.In respect of writ petition, the legal heir certificate has been challenged and thus is not entertainable. Disputed facts cannot be adjudicated in a writ proceeding and issues relating to legal heir certificate would fall beyond the realm of the judicial review. Government order dated 17.04.2017, which was under challenge in the writ petition in WP.No.25858 of 2017 would



show that, a family dispute exists and paragraph No.4 of the Government order reveals that there are two claimants to receive the death benefits of Tmt.H.Sweetlin Sugirthabai, namely appellant in the present writ appeal and sister of the Government servant. That apart, legal heir certificate was submitted belatedly during the year 2007 and application for family pension was considered in the year 2015. Under those circumstances, Government rejected payment of interest on belated settlement of DCRG, since delay occurred at the instance of the appellant and no legal heir certificate was produced during the relevant point of time. Therefore, there was no delay on the part of the administration in settling the DCRG.

5.May that as it be, appellant is receiving family pension as of now. DCRG also has been received already. She is claiming only interest. As far as the interest is concerned, there was a delay in submitting the relevant documents to the authorities. Therefore, delay cannot be attributed to the administration, and occurred at the instance of the appellant. In respect of the writ petition, legal heir certificate is under challenge. If at all, petitioner is disputing the legal heir certificate, she has to approach the competent Civil Court of law for the purpose of securing necessary declaration in the manner known to law.



6. With these observations, the present writ appeal and writ petition are disposed of. No costs. Consequently, the connection miscellaneous petitions, if any, are closed.

(S.M.SUBRAMANIAM J.)(C.KUMARAPPAN J.)
05-01-2026

gd
Index:Yes
Speaking
Internet:Yes
Neutral Citation:Yes/No



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To

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