



WEB COPY

WP No. 38646 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 38646 of 2025

C.Annakili

..Petitioner(s)

Vs

1. The Revenue Secretary,
Government Of Tamil Nadu, Fort St.George,
Rajaji Salai, Chennai 600001.
2. The District Collector,
Namakkal District, Tiruchengode Namakkal
- Trichy Road, Namakkal 637001.
3. The Revenue Divisional Officer,
Tiruchengode, P.Velur Road,
Tiruchengode, Tamil Nadu 637211.
4. The Tashildar,
Paramathi Velur Taluk, Padamudi Palayam,
Namakkal 638182.
5. The Tahsildar,
Tiruchengode - Namakkal - Trichy Road,
Thillaipuram, Namakkal 637001.

..Respondent(s)

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling for records pertaining to the impugned order passed by the 4th respondent bearing Na.Ka.9643 /2008 / A3 dated 19/08/2025 and quash the same, and



consequently direct the respondents to release the terminal and monetary benefits of the petitioners husband Late K.Eswaran in favour of the petitioner along with interest at the rate of 4 percent per annum for belated payment from the date of retirement i.e.,31/05/2008 till the date on which the respective terminal benefits and monetary benefits are paid by the Respondents.

For Petitioner(s):	Mr.S.I.Sharukumar
For Respondent(s):	Mr. Balathandayutham Special Government Pleader

Order

This writ petition has been filed seeking to quash the order passed by the 4th respondent bearing Na.Ka.9643/2008/A3 dated 19.08.2025 and consequently direct the respondents to release the terminal and monetary benefits of the petitioner's husband Late K.Eswaran in favour of the petitioner along with interest at the rate of 4 percent per annum for the belated payment from the date of retirement i.e.,31.05.2008 till the date on which the respective terminal benefits and monetary benefits are paid by the respondents.

2.The petitioner is the wife of Late K. Eswaran, who was working as a Tahsildar in Paramathi Velur Taluk and retired from service on



31.05.2008. He had not been paid his terminal and monetary benefits at the time of his retirement. Subsequently, he died intestate on 26.06.2008, leaving behind the petitioner and her son as his legal heirs. The petitioner made several representations to the respondents seeking release of the terminal benefits.

3. In the meantime, certain third parties, namely Neela and Santhi, made rival claims over the service benefits of the deceased, asserting themselves as the second wife and daughter of Late K. Eswaran. This led to civil litigation. The petitioner had filed O.S.No.399 of 2009 before the II Additional District Munsif, Salem, seeking declaration and consequential reliefs. A counter suit in O.S. No. 883 of 2011 was also filed by the said third parties claiming entitlement to the benefits. Both suits were jointly tried and, by a common judgment and decree dated 04.07.2015, the civil court declared the petitioner and her son as the only legal heirs of the deceased and dismissed the counter claim. The said decree has attained finality.

4. Despite the decree and continuous representations, the respondents failed to release the terminal benefits for over 10 years. The



petitioner was therefore constrained to file W.P. No. 27637 of 2025, wherein this Court, by order dated 30.07.2025, directed the 4th respondent to consider her representation dated 18.01.2023. However, the 4th respondent rejected the petitioner's request by passing the impugned order. Aggrieved by the said order, the present writ petition has been filed.

5. Heard the learned counsels on both sides and perused the materials available on record.

6. The impugned order has been passed contrary to the decree in O.S.No.399 of 2009 and the counter claim in O.S.No.883 of 2011. In the impugned order, the 4th respondent has stated that the petitioner has not produced the legal heirship certificate cancelling the earlier legal heirship certificate issued in the name of Eswaran. Such a stand taken by the 4th respondent, who is a party to the suit, is nothing short of being contumacious. The suit in O.S.No.399 of 2009 was filed by the petitioner and the counter claim suit in O.S.No.883 of 2011 was filed by the rival claimants. The 4th respondent who was the 4th defendant in the suit had also contested the same. Ultimately, the II Additional District Munsif,



Salem, on perusing the evidence, has come to the conclusion that the plaintiff namely the petitioner herein is the wife of the deceased Eswaran and the 1st defendant is his son. The learned Judge had observed that there is nothing to show that the marriage between the petitioner and the deceased Eswaran had been dissolved. The defendants 2 and 3 who filed the counter claim stating that they are the only legal heirs of the deceased Eswaran had not entered the witness box to prove their case. Since the learned Judge has taken note of the fact that despite projecting a Will dated 18.06.2008 said to have been executed by the said Eswaran in favour of defendants 2 and 3, no steps were taken to prove the same. The learned Judge had also taken note of the fact that in the service register, the petitioner and the 1st defendant were shown as the wife and son respectively. Accordingly, the suit was decreed and a mandatory injunction had been issued directing the respondents to grant the terminal benefits of the deceased Eswaran to the petitioner and her son. Since the order had not been complied with, the petitioner had filed W.P.No.27637 of 2025 and this Court had directed the 4th respondent herein to consider and pass orders on the representation. This led to the passing of the impugned order in and by which the respondents have sought to rewrite the decree of the civil court. The same cannot be countenanced, especially



when the decree has attained finality after contest.

WEB COPY

7. In the light of the above, the writ petition is allowed and the impugned order is quashed. The respondents are directed to release the terminal benefits to the petitioner on or before 31.05.2026.

8. Post the matter on 05.06.2026 “for reporting compliance”.

16-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SRN

To

1. The Revenue Secretary,
Government Of Tamil Nadu,
Fort St.George, Rajaji Salai, Chennai 600001.
2. The District Collector,
Namakkal District,
Tiruchengode Namakkal - Trichy Road,
Namakkal 637001.
3. The Revenue Divisional Officer,
Tiruchengode, P.Velur Road,
Tiruchengode, Tamil Nadu 637211.



4. The Tashildar,
Paramathi Velur Taluk, Padamudi Palayam,
Namakkal 638182.

5. The Tahsildar,
Tiruchengode - Namakkal - Trichy Road,
Thillaipuram, Namakkal 637001.



WEB COPY

WP No. 38646 of 2



P.T.ASHA J.

SRN

WP No. 38646 of 2025

16-04-2026



WEB COPY

WP No. 38646 of 2

