



W.P.(MD)No.1840 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:31.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.1840 of 2023

A.Rajeswari

... Petitioner

Vs.

1.The Chief Engineer,
Public Work Department,
Water Resource Organisation,
Trichirappalli.

2.Kavitha

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent not to disburse family retirement and pension benefits of her later husband V.S.Arumugam to the 2nd respondent pending enquiry by the Competent Authority.

For Petitioner : Mr.J.S.Murali

For Respondents : Mr.C.Satheesh

Government Advocate for R1



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ORDER

This writ petition has been filed for a direction to the 1st respondent not to disburse family retirement and pension benefits of her late husband, namely, V.S.Arumugam to the 2nd respondent by the Competent Authority.

2. The case of the petitioner is that the petitioner is the legally wedded wife of one late V.S.Arumugam. The marriage between the petitioner and the said V.S.Arumugam was solemnized on 24.03.1969 as per the Hindu Rites and Customs and they were blessed with two daughters. While so, without any authority, the second respondent has obtained Legal Heir Ship Certificate from the Tahsildar, Thanjavur and has filed a writ petition before this Court in W.P(MD).No.14819 of 2022 as if she is the legally wedded wife of the said V.S.Arumugam. This Court, vide order dated 11.07.2022, has directed the 1st respondent to consider the representation of the second respondent dated 05.04.2022 with regard to the claim of the family pension and pass appropriate



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orders. After coming to know the above facts, the petitioner has filed the present writ petition.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if this Court directs the first respondent to conduct enquiry between the petitioner and the second respondent and pass appropriate orders, after affording opportunity to the petitioner.

4. The learned Government Advocate appearing for the first respondent has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the first respondent to hear the petitioner and the second respondent, while implementing the order passed by this Court on 11.07.2022 in W.P(MD).No.14819 of 2022, and pass appropriate orders after affording opportunity to the petitioner and the second respondent.



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6. With the above direction, this Writ Petition is disposed of. No costs.

31.01.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
ssb

To
The Chief Engineer,
Public Work Department,
Water Resource Organisation,
Trichirappalli.



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M.DHANDAPANI,J.

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