

Tmt.Janaki. Vs. the Commissioner.

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Court : Chennai

Decided On : Jul-25-2012

Judge : M.Jaichandren, J.

Appeal No. : Writ Petition No.21593 of 2009 and M.P.No.1 of 2009

Appellant : Tmt.Janaki

Respondent : The Commissioner.

Advocate for Def. : Mr.V.Bharathidasan, Adv

Advocate for Pet/Ap. : Mr.A.P.Surya Prakasam, Adv

Judgement :

Prayer: This petition has been filed seeking for a writ of Certiorarified Mandamus to call for the records of the 1st Respondent, vide proceedings in the matter of disbursement of terminal benefits pertaining to the petitioner's late husband Thiru.S.Shunmugam, Conservancy worker, in ward No.78, Zone-5, Corporation of Chennai, expired on 14-09-2001 in harness and the communication of the Accounts Officer (Pension), Public Works (Poduthurai), Corporation of Chennai, Chennai- 600 003, negating the petitioner's claim vide their letter Podhu.Na.Ka.En.U7/203/205 Dt:10-01-2005, quash the same and direct the 1st Respondent to pay the remaining/balance portion of the 50% amount held by them in pursuance of the directions in W.P.No.35358 of 2002 dated 13.11.2002 issued

by this Court and consequential benefits to the petitioner.

ORDER

1. Heard the learned counsel for the petitioner, as well as the learned counsel appearing on behalf of the first respondent.

2. At this stage of the hearing of the Writ Petition, the second respondent had filed an affidavit, dated 25.07.2012, which reads as follows:

"I Malliga W/o. Kuppuswamy, Hindu, Aged about 60 years and residing at Mariyamman Koil Street, Katrampakkam, Vanur (Via) Villupuram District-605 109 at present come down to Madras do hereby solemnly affirm and state as follows.

I state that I am the II respondent herein and I have submit that I have never married my friend late Shanmugam and I am legally wedded my husband Kuppuswamy and living with him for past 30 years. The husband of the petitioner was only known to me personally as a family friend with whom I stayed for some time at Madras.

Hence I submit that I have no claim what so ever over the estate of deceased Shanmugam and I have absolutely no objection for this Hon'ble Court to direct the I respondent/the Corporation of Chennai to disburse the entire terminal and all other benefits of the estate of deceased employee Late Shanmugam to the petitioner who is the legally wedded wife of the Said Shanmugam."

3. In view of the said affidavit filed by the Second respondent, the first respondent is directed to pay the balance amount of 50% of the terminal benefits, available with the first respondent Corporation, to the petitioner, due to the death of S.Shanmugam, within a period of four weeks from the date of receipt of a copy of this order.

This Writ Petition is ordered accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

2. This Writ Petition has been filed by the petitioners, challenging the show cause notice, issued by the fourth respondent under Section Act, 1971, asking the petitioners to show cause as to why they should not be evicted from the premises in question, as the are in unauthorised occupation of the same.

3. The main contention of the learned counsel for the petitioner is that the fourth respondent had not considered the fact, while issuing the impugned notice, that the similar notices had been issued earlier and the respondents had been convinced that the petitioners are under authorised occupation of the premi

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