



W.P.No.5160 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 19.02.2026

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.5160 of 2026

&

W.M.P.No.5716 of 2026

Mohana Ramaswami
W/o Late Shri G.S. Ramaswami
2/583, Singaravelan Road
1st Cross Street, Chinna Neelankarai
Chennai 600 115.

Petitioner(s)

Vs

1. The Secretary
Ministry of Communications
Union of India
Sanchar Bhawan, 20 Ashoka Road
New Delhi 110 001.
2. Sr Superintendent of Post office
Chennai City South Division
2, Sivagnanam St, Pandy Bazaar
T Nagar, Chennai
Tamil Nadu 600 017.
3. The Post Master
Injambakam Post office
Chennai, Tamil Nadu 600 115.

Respondent(s)



W.P.No.5160 of 2026

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Declaration declaring the provisions of Regulation 51 of the Post Office Regulations 2024 as ultra vires and consequently to strike down the same.

For Petitioner(s): Mr. R.Subramanian
For Mr. Y.G.Guna Sekar

For Respondent(s): Mr.AR.L.Sundaresan
Additional Solicitor General

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

Petitioner has challenged the validity of Regulation 51 of the Post Office Regulations, 2024 framed by the Director General under Section 13 of the Post Office Act, 2023.

2. Learned counsel for petitioner would argue that Regulation 51 of the Post Office Regulations, 2024 suffers from manifest arbitrariness inasmuch as it is clearly in conflict with Regulation 65(1)(c). He would submit that by framing such conflicting provision in the Regulations, the provision relating to delivery of posts in respect of dead person is uncertain and blissfully vague. The

Page 2 of 11



W.P.No.5160 of 2026

provision, therefore, requires to be declared as violative of Article 14 of the Constitution of India.

3. Heard and perused records.

4. Regulation 51, which is under challenge in this petition is framed by the Director General, with the prior approval of the Central Government, in exercise of the powers under Section 13 of the Post Office Act, 2023 and copy of the notification, by which the Regulations were promulgated and published in the Official Gazette, is placed on record. Regulation 51 provides that the items addressed to persons who are dead shall be treated as if they were unclaimed and disposed of as per the provisions of Sub-Regulation (2) of Regulation 65. The provision, in terms, does not appear to be suffering from any arbitrariness, much less manifest arbitrariness, warranting interference of this Court.

5. The confusion appears to have arisen mainly on account of the interplay of two provisions, i.e. Regulation 51 read with



W.P.No.5160 of 2026

Regulation 65. The two Regulations, for proper understanding are extracted herein below:

Regulation 51:

51. Items addressed to deceased persons.- Items addressed to persons who are dead, shall be treated as if they were unclaimed and disposed of as per provisions of sub regulation (2) of regulation 65.

Regulation 65:

65: Undelivered items to be returned in certain cases:- (1) *An undelivered item, of which the addressee-*

- (a) has refused, or after due notice omitted, to take delivery, or the addressee does not take delivery within the period as specified by administrative instructions from time to time; or*
- (b) is known to have left address without intimation to the post office as to the redirection of his correspondence; or*
- (c) is dead and there is no person to whom the item could properly be delivered,*

shall not be detained in the post office to which it is addressed and shall be returned to the sender if the item bears clearly on the outside, the name and address of the sender, or otherwise sent to the Returned Letter Office concerned.



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W.P.No.5160 of 2026

(2) The item referred to in sub-regulation (1) shall be delivered to the sender or authorised person and any proof of delivery attached thereto shall not be delivered and destroyed.

(3) In case of the item being undelivered to the sender, such item shall be sent to the Returned Letter Office (RLO) concerned.”

6. If we look at Regulation 65, it provides for the manner in which undelivered items are to be dealt with in certain specified cases. Amongst other contingencies, Regulation 65(1)(c) provides that an undelivered item, of which the addressee is dead and there is no person to whom the item could properly be delivered, shall not be detained in the post office to which it is addressed and shall be returned to the sender if the item bears clearly on the outside, the name and address of the sender, or otherwise sent to the Returned Letter Office concerned.

Importantly, Sub-Regulation (2) of Section 65 provides that the items referred to in Sub-Regulation (1) shall be delivered to the sender or authorised person and any proof of delivery attached thereto shall not be delivered and destroyed.



W.P.No.5160 of 2026

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7. A fair and logical interpretation of the aforesaid two Regulations would only mean that in those cases where the addressee of undelivered item is dead and there is no person to whom the item could properly be delivered, then, it shall be delivered to the sender or authorised person and any proof of delivery thereto shall not be delivered and destroyed. What Regulation 51 provides is that items addressed to the persons who are dead shall be treated as if they were unclaimed and disposed of as per Sub-Regulation (2) of Regulation 65.

8. The submission of learned counsel for petitioner, however, is that in actual practice, after promulgation of the new Regulations, where the addressee is dead, without making delivery to person to whom the item could be properly delivered, like the legal representatives or the spouse of the deceased, the items are being returned.

9. Petitioner has approached this Court because, after the



W.P.No.5160 of 2026

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death of her husband, all the items, which are addressed in the name of her deceased husband, are not being delivered to her, but are being returned without effecting delivery, which is resulting in non-receipt of many communications and articles of delivery to which petitioner is entitled to, being the legal heir of the deceased.

10. Learned counsel for petitioner referred to Instructions dated 16.12.2024 in the matter of Mail Operations in respect of the Regulations of the Post Office Regulations, 2024, in which, SI.No.7 of Clause 11(2), provides that in case of deceased, items to be returned to the sender.

11. It is trite law that instructions issued merely supplement and do not supplant the law. Regulations framed are in the nature of subsidiary legislation and have the force of law. The Instructions have to be read in conjunction with and in the manner that it only supplements the law and does not supplant or in conflict with law. Instructions, therefore, have to be read in accordance with Scheme of Regulations 51 and 65 and not otherwise. Returning to sender



W.P.No.5160 of 2026

WEB COPY

would eventually arise only when the addressee is dead and there is no person to whom the item could properly be delivered. That means, once an item is taken for delivery to the house of a person and if it is found that the person is not alive, in that case, if it could be properly delivered to any other person in the family residing in the house, as is provided in Regulation 65(1)(c), it shall have to be delivered to him and there is no occasion to return to the sender. Regulation does not expressly provide as to the category of persons to whom the item can properly be delivered. There appears to be a gap and this is causing inconvenience to persons like the petitioner.

12. Respondents shall do well to take required steps either by amending the Regulation to clearly define the category of persons to whom the items could properly be delivered or may fill in the gap in the Regulation clarifying the position. Till such amendment in Regulations is made or instructions are provided, it is directed that the legal heirs of the deceased, if they are found at the residence of the deceased, shall be handed over the delivery of article, as, undoubtedly, they would fall in the category of persons to whom



W.P.No.5160 of 2026

items could properly be delivered.

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13. We are, therefore, of the view that provisions do not suffer from any manifest arbitrariness or legislative competence nor can be said to be ultra vires the enabling Act, but, in the matter of its implementation, confusion prevails.

14. Petition is, accordingly, disposed of. There shall be no order as to costs. Consequently, the interim application is closed.

15. Learned Additional Solicitor General is requested to send a copy of this order to the Director General Postal Services for compliance and further action as may be advised.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
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Index : Yes/No
Neutral Citation : Yes/No

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Page 9 of 11



W.P.No.5160 of 2026

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W.P.No.5160 of 2026

THE HON'BLE CHIEF JUSTICE
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W.P.No.5160 of 2026

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Page 11 of 11