

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 23.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.17810 of 2015

Smt.Saroja

.. Petitioner

Versus

The Thasildar

Maduravoyal Taluk, Chennai - 53 .. Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondent to consider the representation of the petitioner dt 12.3.2011 and 10.3.2015 and thereby direct the respondent to issue legal heir certificate to the petitioner immediately.

For Petitioner : Mr.M.V.Muralidaran

For Respondent : Mr.Rm.Muthukumar
Government Advocate

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner would claim that she got married to one N.C.Swaminathan and out of wedlock, begot two children viz., Valarmathi and Amsavalli and both of them got married. The petitioner would further state that her husband suppressed his earlier marriage and the said fact came to her knowledge, belatedly and taking into consideration the future life and welfare of her children, she continued her matrimonial relationship with her husband.

3. According to the petitioner her husband out of 1st marriage begot six children and his first wife was predeceased and he also died on 29.01.2001 leaving behind the petitioner, her two children, apart from six children born through first wife. The petitioner submitted an application dated 12.03.2011 to the respondent praying for issuance of legal heir certificate. There was no response and hence, she submitted one more representation on 10.03.2015 to the respondent. Since, no orders have been passed, she came forward to file this writ petition.

4. Heard the submissions of Mr.M.V.Muralidharan, learned counsel appearing for the petitioner and Mr.Rm.Muthukumar, learned Government Advocate, who accepts notice for the respondent.

5. A writ petition was filed by one Mr.Siva Elango, President, Satta Panchayat Iyakkam, in W.P.No.34201 of 2014, for passing of Right to Services Act and on behalf of Chief Secretary to Government of Tamilnadu and Principal Secretary to Government, Personnel and Administrative Reforms Department, Government of Tamilnadu, through P.Chithanar, Deputy Secretary to Government, Personnel and Administrative Reforms Department, has filed the additional counter, wherein, he would state among other things that the services are provided by the Revenue Administration Department as per the Citizen's Charter and in respect of legal heir certificate it would take fifteen days time to issue the said certificate.

6. Admittedly, in the case on hand, the petitioner has submitted an application as early as on 12.03.2011 and the respondent did not care to pass any orders either to issue legal heir certificate or to return it for compliance or to reject the same. Therefore, the petitioner was constrained to submit one more representation dated 10.03.2015, praying for legal heir certificate.

7. In the light of the stand taken in the above said writ petition, on behalf of the Chief Secretary to Government of Tamilnadu, as well as Principal Secretary to Government, Personnel and Administrative Reforms Department, the respondent ought to have taken expeditious steps. Unfortunately, he has failed to do so.

8. Therefore, In the above facts and circumstances and without going into the merits of the application submitted by the petitioner, this Court, directs the respondent to consider and dispose of the petitioner's application dated 12.03.2011 and the reminder dated 10.03.2015 on merits and in accordance with law, after providing an opportunity of personal hearing to the petitioner as well as to the legal heirs, born to her husband through his first wife and pass orders, as expeditiously as possible and not later than four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the other legal heirs.

9. The writ petition is disposed of, accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Thasildar
Maduravoyal Taluk Chennai 53

2.The Chief Secretary, Government of Tamilnadu,Chennai-9

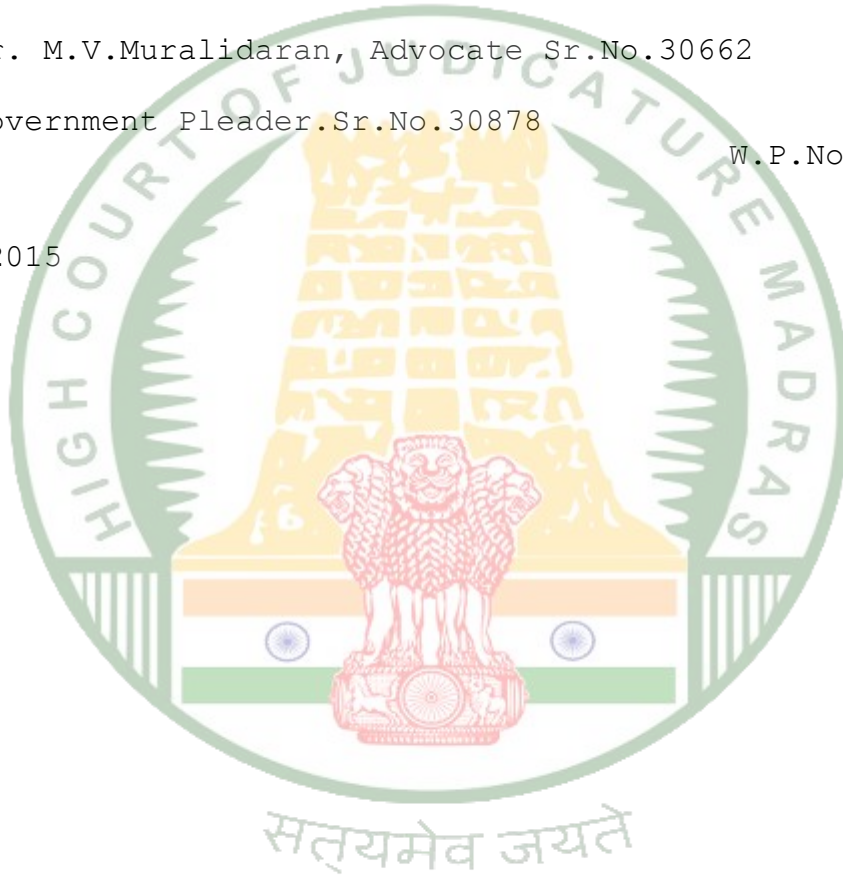
3.The Principal Secretary to the Government,
Personal and Adminstrative Reforms Department, Chennai-9.

1 cc to Mr. M.V.Muralidaran, Advocate Sr.No.30662

1 cc to Government Pleader.Sr.No.30878

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