

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.26578 of 2014

Anjalai

...Petitioner

vs.

1.The District Collector
Kancheepuram District

2.The Thasildhar
No.137, Maduranthagam
Kancheepuram District

3.The Revenue Inspector
Acharapakkam Post
Acharapakkam
Kancheepuram District

4.The Village Administrative Officer
Acharapakkam
Kancheepuram District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents to cancel the legal heirship certificate dated 24.08.2006 vide PA.MU.4730/2006/A2 issued by the 2nd respondent as null and void and consequently direct them to issue fresh legal heirship certificate to the petitioner by including all the legal heirs names of Late Narayansamy.

For Petitioner : Mr.L.Ramu

For Respondents : Mr.S.Gunasekaran, G.A.

O R D E R

The Writ petition is filed seeking a direction to the respondents to cancel the legal heirship certificate dated 24.08.2006 vide PA.MU.4730/206/A2 issued by the 2nd respondent as null and void.

2. Heard Mr.L.Ramu, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, Government Advocate, appearing for the respondents.

3. The petitioner claims to be the daughter of late Narayanasamy through his first wife Mrs.Unnamalai. Her grievance is that she has not been shown as legal heir in the legal heirship certificate issued by the second respondent dated 24.08.2006. Copy of the said legal heirship certificate has been filed in the typedset of papers which shows that only the sons of the deceased Narayanasamy and his widow has been shown as legal heirs. According to the petitioner none of the daughters have been shown as legal heirs and for some reasons the other daughters had not raised objection but the petitioner alone has raised the objection and she wants her name to be included in the legal heir ship certificate. In this regard representation was given to the respondent on 14.08.2014 along with necessary documents and since the same has not been considered, the petitioner is before this court.

4. It is seen that in this writ petition the petitioner has not impleaded her brothers or the persons whose names find place in the legal heir ship certificate dated 24.08.2006. Therefore, at this juncture the question of examining the correctness of the submission made by the petitioner does not arise. In any event there is a representation pending before the authority and the same has been acknowledged by the authority. Hence without going into the merits of the case, there will be a direction to the second respondent to consider the representation dated 14.08.2013, on merits in accordance with law, after notice to the petitioner and all other legal heirs of late Naryayanasamy whose names find place in the legal heir ship certificate dated 24.08.2006. The second respondent shall issue notice to all the parties hear them in person and after conducting enquiry pass an order on merits in accordance with law within a period of five months from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

kpr

To

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Kancheepuram District

3.The Revenue Inspector
Acharapakkam Post
Acharapakkam
Kancheepuram District

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Kancheepuram District

1 CC to Mr.L.Ramu, Advocate SR.No. 16428

1 CC to the Government Pleader, SR.No. 16368

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KK (CO)
PSI (07.04.2015)

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