

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.7921 of 2015

1.S.Amudha
2.Anudha
3.Anusha

...Petitioners

Versus

1. The Tahsildar
Egmore Nungambakkam Taluk
Chennai 600 031.

2. Sushindar

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondent herein to consider and pass orders on the petitioner application dated 24.02.2013 for issuance of legal heir certificate to the petitioners and 2nd respondent.

For Petitioners : Mr.M.Sivavarthanan

For R1 : Mr.V.Jayaprakash Narayanan,
Spl.GP

ORDER

Heard Mr.M.Sivavarthanan, learned counsel for the petitioners; Mr.V.Jayaprakash Narayanan, learned Special Government Pleader accepting notice for the 1st respondent and with their consent, the writ petition is disposed of at the admission stage itself.

2.Since the writ petition is disposed of at the admission stage itself, notice to the 2nd respondent is dispensed with and the allegations made by the petitioners as against the 2nd respondent are not gone into and it is left to the 1st respondent to consider the same.

3.The petitioners have filed this writ petition seeking for a direction to the 1st respondent to consider their representation dated 24.02.2013 for issuance of the Legal Heirship Certificate both to the petitioners as well as to the 2nd respondent.

4.The case of the petitioners is that the 1st petitioner is the second wife of [Late] Sahajram and petitioners 2 and 3 are the daughters born out of the said wedlock. It is the further case of the 1st petitioner that the 2nd respondent is the son of [Late] Sahajram, born out of the wedlock of Sahajram with Seethadevi.[his first wife]. The said Seethadevi died on 03.07.1985 and thereafter, Sahajram married the 1st petitioner. Subsequently, Sahajram died on 11.05.2007 leaving behind the petitioners and the 2nd respondent as his legal heirs. When the petitioners applied for the Legal Heir Certificate, the said application was returned as defective by the 1st respondent since the 1st petitioner has mentioned the 2nd respondent as her own son. Subsequently, the petitioners sent another representation on 24.02.2013 enclosing all the relevant documents. The same was not considered till date. It is also the case of the petitioners that the Tahsildar, Domaria Ganj, Uttar Pradesh, by his communication dated 05.05.2010 has recommended to the 1st respondent that the petitioners are the legal heirs of [Late] Sahajram and except the petitioners and the 2nd respondent, there are no other legal heirs. Since the representation sent by the petitioners did not evoke any response, the petitioners are before this Court by filing the present writ petition with the aforesaid prayer.

5.Accordingly, without going into the merits of the contentions raised by the petitioners, there will be a direction to the 1st respondent to consider the petitioners' representation dated 24.02.2013 on merits and in accordance with law, after issuing notice to the petitioners as well as to the 2nd respondent and to other persons who are likely to be aggrieved and thereafter, pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

AP

To

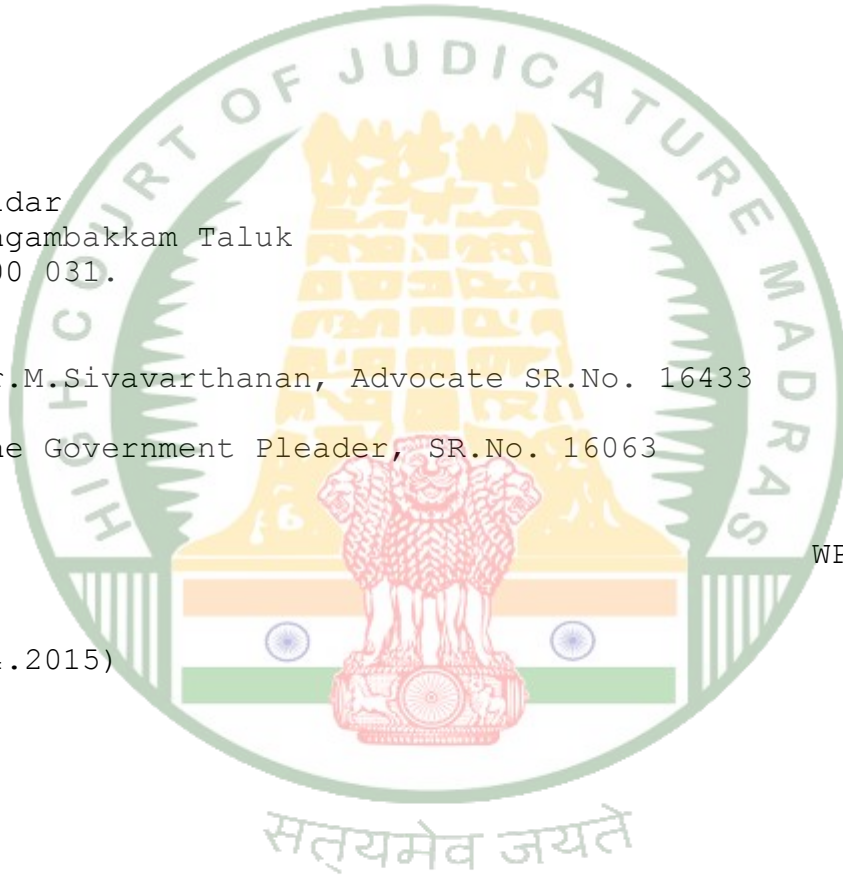
The Tahsildar
Egmore Nungambakkam Taluk
Chennai 600 031.

1 CC to Mr.M.Sivavarthanan, Advocate SR.No. 16433

1 CC to the Government Pleader, SR.No. 16063

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MP (CO)
PSI (01.04.2015)



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