

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14862 of 2016

S.Thilagavathy

... Petitioner

vs.

1.The Tahsilar,
Tondiarpet Taluk,
Tondiarpet,
Chennai-81.

2.The Deputy Tahsildar,
Tondiarpet Taluk,
Tondiarpet,
Chennai-81.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent to dispose of the representation dated 19.9.2015 and to issue legal heir certificate within a time frame.

For Petitioner : Mr.R.Karthikeyan

For Respondents : Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader.

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the second respondent to dispose of the representation dated 19.9.2015 and to issue legal heir certificate within a time frame.

3. It is the case of the petitioner that her father Gandhi had worked as Bill Collector in the Ambattur Municipality. He retired from service on attaining the age of superannuation. Due to his ill-health, he died on 4.3.2012 leaving behind the petitioner, her mother Jayakodi and brother Ramaiah as his legal heirs. Thereafter, the petitioner applied for legal heir

certificate of his father before the Tahsildar, Madhavaram, on 4.12.2013, who in turn, forwarded the same to the Revenue Inspector, Tiruvottiyur, for necessary enquiry and to report the same. The Revenue Inspector forwarded the same to the Village Administrative Officer of Thiruvottiyur to conduct an enquiry, based on which, the Village Administrative Officer has completed all the formalities and submitted his report along with required papers on 12.3.2014 to the Revenue Inspector. In his report, the Village Administrative Officer has clearly stated that the petitioner, her mother Jayakodi and brother Ramaiah are the legal heirs of deceased Gandhi. He has also recommended to issue legal heir certificate in their favour in order to get the pension benefits to which the legal heirs are naturally entitled. But, the respondents had delay the process of issuing legal heir certificate, due to which, they could not receive the gratuity amount which is lying with the authority concerned. In this regard, the petitioner made several representations to the respondents to issue legal heir certificate. But, the same was not considered so far. Finally, she has sent a representation dated 19.9.2015 requesting the respondents to issue legal heir certificate. Since the same was also not considered so far, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the second respondent to consider the representation of the petitioner dated 19.9.2015 seeking issuance of legal heirship certificate and pass appropriate orders / take appropriate action, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim projected by the petitioner and it is for the second respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

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Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

sbi

To

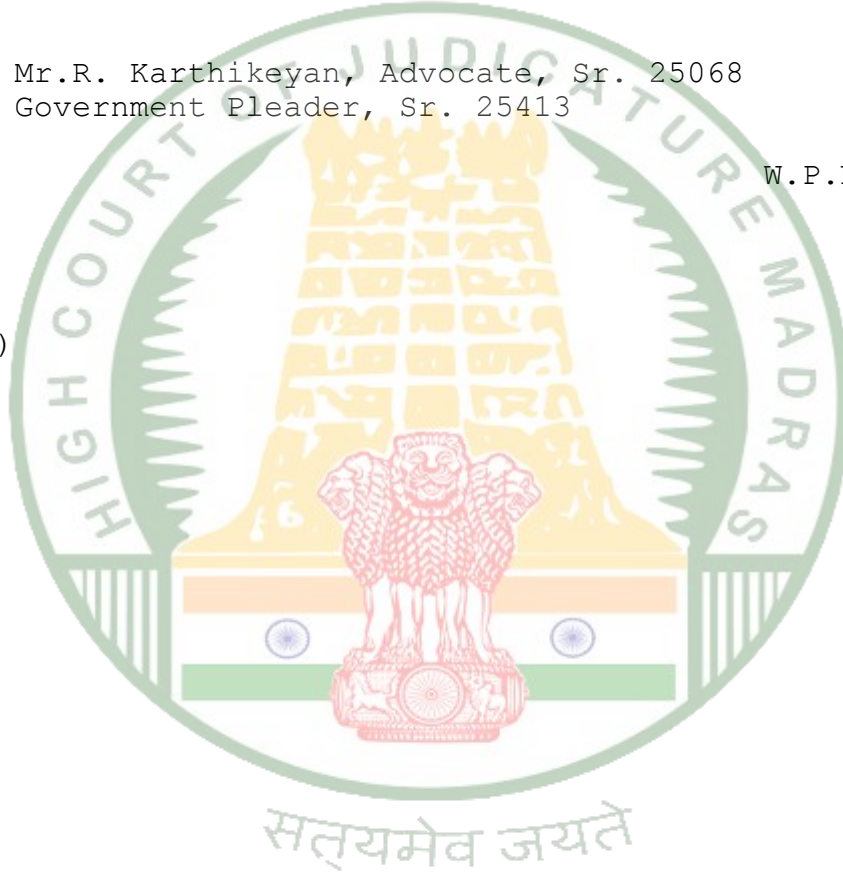
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1 cc to Mr.R. Karthikeyan, Advocate, Sr. 25068
1 cc to Government Pleader, Sr. 25413

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