

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.15316 of 2016

V.Pazhaniammal

..Petitioner

Vs.

1. The District Collector,
Singaravelan Maligai,
Chennai 600 001.

2. The Tahsildar,
Office of the Tahsildar,
Guindy, Chennai.

...Respondents

Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus to directing the respondents to consider and dispose of petitioner's representation dated 15.2.2016 by conducting enquiry and issue legal heirship certificate to the petitioner within the time limit.

For Petitioner : M/s.D.Prasanna

For Respondent : Mrs.M.E. Raniselvam
Addl.Govt. Pleader

सत्यमेव जयते
O R D E R

The present Writ Petition has been filed praying for issuance of mandamus upon the respondents to consider and dispose of petitioner's representation dated 15.2.2016 by conducting enquiry and issue legal heirship certificate to the petitioner within the time limit.

2. Heard the learned counsel for the petitioner and the learned Addl. Govt. Pleader appearing for the respondents.

3. The petitioner is the second wife of one C.R. Vijayakumar and out of their wedlock, two children were born to them viz., R.V. Vijayaraghavan and R.V.Vijayaragunandan.

Her husband's second wife is Mrs.Sushila and out of their wedlock, the said Sushila got three children. The petitioner's husband has worked as a T.G.Man in B.S.N.L. Whiles, her husband expired on 26.11.2013, leaving behind the petitioner and her two children and also her mother in law.

4. It is the case of the petitioner that the above said Sushila had obtained legal heirship certificate only for herself and for her children, without including the names of petitioner and her children and her mother in law Annapporani. Subsequently, the petitioner has made a representation to the respondents on 15.2.2016 through speed post requesting to implead the remaining legal heirs in the legal heirship certificate issued by them. But there is no response from the respondent and the representation is kept pending till date without initiating any action. Hence the petitioner has filed the present writ petition.

5. Learned Additional Govt. Pleader submitted that the petitioner is the 2nd wife of the deceased person and as such, she and her heirs are not entitled to get the legal heirship certificate.

6. However, irrespective of the submissions made on either side, this Court, in the interest of justice, without going into the merits of the case, directs the respondents to consider the representation of the petitioner which was given to implead the remaining legal heirs in the legal heirship certificate, by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, and pass appropriate orders on the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

7. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents to decide the matter purely on merits.

8. With the above direction, this Writ Petition is disposed of. No costs.
msr

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Singaravelan Maligai,
Chennai 600 001.

2.TheTahsildar,
Office of the Tahsildar,
Guindy, Chennai.

+2 ccs to Mr.D.Prasanna, Advocate S.R.No.25963
+1cc to the Government Pleader, S.R.No.26642

KR/13/6/16

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