

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18/2/2016

C O R A M

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.3269 of 2015

K. Buvaneshwari

...Petitioner

Vs

1. The Tahsildar
Kattumannarkoil Taluk
Cuddalore District.

2. Velayudam ...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the first respondent, pertaining to legal heirship certificate of late Kuppusamy in Ref, No.Pa.MuA(1)/8898/2014 dated 5/12/2014 as issued to the second respondent and quash the same and consequently to direct the first respondent to delete the name of the second respondent (Class-II Legal Heir) from the Legal Heirship Certificate of late Kuppusamy and issue afresh Legal Heirship Certificate of late Kuppusamy as per Class-I of Section 8 of the Hindu Succession Act.

For Petitioner ... Mr.G.B.Sabari Das

For respondents ... Mrs.P.Rajalakshmi
Government Advocate
for R.1

No appearance for R.2.

O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal.

2. Heard Mr.G.B.Sabari Das for the petitioner and Mrs.P.Rajalakshmi, learned Government Advocate for the first respondent.

3. This writ petition has been filed, praying to quash the order passed by the first respondent and consequently, direct the first respondent, to delete the name of the second respondent (Class-II Legal Heir) from the Legal Heirship Certificate of late Kuppusamy and issue a fresh Legal Heirship Certificate of late Kuppusamy, as per Section 8 of the Hindu Succession Act.

4. The case of the petitioner is that the petitioner got married to the son of the second respondent, viz., Kuppusamy, on 5/6/2010 and started living at Melatheru, Mamangalam Village, Kattumannarkoil Taluk, Cuddalore District. She begot a daughter, aged about 1 ½ years. The second respondent, started harassing the petitioner, by way of demanding additional dowry of 50 sovereigns and Three lakhs cash. Since the petitioner's husband died on 15/10/2014, the petitioner had made an application, to the first respondent, on 20/10/2014, for issuance of legal heirship certificate, showing herself and her daughter as the legal heirs, as per Class-I of Section 8 of the Hindu Succession Act. At the time of enquiry, to support her case, the petitioner has produced all the relevant documents for issuance of legal heirship certificate, before the Revenue Inspector of Udayarkudi.

5. After enquiry, the first respondent had issued a legal heirship certificate, dated 5/12/2014, to the second respondent, showing the name of the second respondent as Class-II legal heir of the deceased. Immediately, on 8/12/2014, the petitioner made a representation to the first respondent, to delete the name of the second respondent and issue a fresh certificate. But, the first respondent acted in conspiracy with the second respondent, under the guise of making correction, but not yet returned the original legal heirship certificate.

6. Aggrieved over the same, the petitioner has come forward with the present writ petition.

7. Though notice was issued to the second respondent, he has not chosen to appear before this Court, but the name of the second respondent is printed in the cause list.

8. The learned counsel appearing for the petitioner would submit that the first respondent had deliberately ignored to adhere to the Law nor followed the Government guidelines made in G.O.(Rt)N.2906, Revenue dated 4/11/1981.

9. Considering the submission made by the learned counsel appearing for the petitioner, this Court directs the petitioner, to give a fresh representation, putting forth her grievance, with regard to the deletion of the name of the second

respondent, in the legal heirship certificate, within a period of one week, from the date of receipt of a

copy of this order and on receipt of the same, the second respondent is directed to conduct enquiry afresh and pass an appropriate order, within a period of four weeks, from the date of receipt of the said representation.

10. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Tahsildar
Kattumannarkoil Taluk
Cuddalore District.

+3ccs to Mr.G.B. Sabari Das, Advocate, S.R.No.106776

+1cc to the Government Pleader, S.R.No.10591

CA(CO)
EU(10/03/2016)

सत्यमेव जयते

W.P.No.3269 of 2015

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