

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:22.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.21174/2016

&

WMP.No.18101/2016

Zareena Begum

..Petitioner

-Versus-

1.The Tahsildar
Mylapore-Triplicane Taluk Office
Mylapore, Chennai 600 028.

2.Abdul Raheem ..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus calling for the records pertaining to the legal heir certificates issued by the 1st respondent for the deceased Mariam Bee dated 03.08.2011 and 22.02.2012 and quash the same and consequently direct the 1st respondent to issue a fresh legal heir certificate after due enquiry in accordance with law.

For Petitioner : Mr.A.Mohamed Ismail
For R1 : Mr.R.Vijayakumar,
Addl.Govt.Pleader

ORDER

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

2 The grievance expressed by the petitioner is that the 1st respondent - Tahsildar, issued a Legal Heir Certificate on 03.08.2011 with regard to the demise of Mariam Beevi, showing not only her daughters and son Usman as legal heirs, but also showed Sanma, wife of Babu, Ameer Basha, S/o.Babu, Aabitha, D/o.Babu, as the legal heirs. However, one of the petitioner's brother, viz., Usman, again applied for the Legal Heir Certificate afresh for the deceased Mariam Beevi by suppressing the issuance of the earlier Legal Heir Certificate and he was issued with another Legal Heir Certificate on 22.02.2012, showing Usman, Shamsad and Mamula [petitioner's sisters] as the only legal heirs of the deceased Mariam Beevi, leaving out the rest of them and challenging the legality of the same, the petitioner came forward to file the present writ petition.

3 Heard the learned counsel for the petitioner who would submit that the second Legal Heir Certificate issued by the 1st respondent without any reference to the first Legal Heir Certificate, is per se illegal and prays for setting aside the same.

4 Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the 1st respondent would submit that the petitioner is having effective alternative remedy in the form of appeal to be preferred before the jurisdictional Revenue Divisional Officer, viz., the Revenue Divisional Officer, Egmore, Chennai-8, as factual adjudication is involved.

5 This Court considered the rival submissions and also perused the materials placed before it.

6 Though the petitioner has sought for a larger relief, this Court in the light of the above facts and circumstances, permits the petitioner to file an appeal before the Revenue Divisional Officer, Egmore, Chennai-8, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the said official is directed to consider the same on merits and in accordance with law, after putting on notice, the persons whose name appear in the second Legal Heir Certificate bearing No.401/2012 dated 22.02.2012 and pass orders within a further period of six weeks thereafter and communicate the decision taken, to the petitioner as well as to the person[s] concerned.

7 The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

AP

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Tahsildar, Mylapore-Triplicane Taluk Office
Mylapore, Chennai 600 028.

2. The Revenue Divisional Officer,
Egmore, Chennai-600 008.

+ 1 cc to Mr.A.Mohamed Ismail, Advocate Sr 34548

+ 1 cc to The Govt.Pleader, Sr 34898

KR/6/7/16