

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.28758/2016

Suganthi

..

Petitioner

Vs.

1.The Tahsildar
Tahsildar Office
Thirukovilur.

2.V.Ranjitha

3.V.Ranjith Kumar

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the 1st respondent to consider and dispose of the petitioner's representation dated 07.04.2016 consequently direct the 1st respondent to cancel the earlier legal heirship certificate No.P.M.A2/21391/2015 dated 20/24.11.2015 and issue a fresh legal heirship certificate of Late A.Velu including the petitioner name under due process of law.

For Petitioner : Mr.M.Chidambaram

For R1 : Mr.S.Navaneethan, AGP

O R D E R

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

2 The petitioner would state that she married one Velu and prior to the same, he married one Tamilselvi and out of the said wedlock, two children, viz., Ranjitha and Ranjith, were born. According to the petitioner, the first wife of her husband, viz., Tamilselvi, died on 03.03.2006 and thereafter, he married the petitioner herein as per the Hindu Rights and Customs at Sivan temple at Katchirapalayam Village and out of the said wedlock, a male child, viz., Manikandan, was born and now, he is aged 10 years.

2a The petitioner would further state that her husband Velu died on 14.09.2015 and the said Ranjitha and Ranjith, born to her husband and his first wife Tamilselvi, managed to get the Legal Heirship Certificate without including the name

of the petitioner ; but included only the name of the petitioner's son, viz., Manikandan. In this regard, the petitioner has also submitted a representation dated 07.04.2016 for inclusion of her name in the Legal Heirship Certificate and though it was received on 15.04.2016, she is yet to be favoured with any kind of response and hence, came forward to file this writ petition.

3 Heard the submissions of the learned counsel appearing for the petitioner and Mr.S.Navaneethan, learned Additional Government Pleader who accepts notice on behalf of the 1st respondent.

4 This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner either in her representation or in this writ petition, directs the 1st respondent to consider and dispose of the petitioner's representation dated 07.04.2016 on merits and in accordance with law, after putting on notice, the respondents 2 and 3 and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the respondents 2 and 3.

5 The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

AP

To

The Tahsildar
Tahsildar Office
Thirukovilur.

1 cc to Mr.M.Chidambaram, Advocate, sr.47041

WP.No.28758/2016

bvr co

kra 16.09.2016