

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.08.2016

CORAM

The Honourable MR. JUSTICE M.SATHYANARAYANAN

W.P.No.30021 of 2016
and WMP No.26026 of 2016

Haji Rasheed Mohammad

... Petitioner

Vs

1 The Collector
Chennai District,
Rajaji Salai, Chennai-600 001.

2 The Thasildar,
Purasaiwalkam Thaluk,
Chennai.

3 Mrs.Fathima Hanif

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus Calling for entire records pertaining to the issuance of legal heirs certificate in Ref.No.R.Dis.3397/2015 dated 24.07.2015 issued by the 2nd respondent in favour of the 3rd respondent and quash the same and thereby directing the 2nd respondent to issue a legal heir certificate including all the names of legal heirs of late Haji Hanif Mohammed who died on 28.08.2014 in accordance with Mahomedan Law.

For Petitioner : Mr.K.Mohanamurali

For Respondents 1 & 2 : Mr.A.N.Thambidurai

Special Government Pleader

ORDER

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

2 The petitioner would claim that he along with his brothers, viz., Tvl.Adam Haji Mohammed, Osman Haji Mohammed, Azeez Haji Mohammed and Haji Abdul Hameed Mohammed, are the joint owners of the various properties situated at Old Door No.63, New No.6, Acharappan Street, George Town, Chennai-1 ; Door No.25, New No.71, Godown Street, Chennai-1. It is further stated by the petitioner that his brother, viz., Haji Hanif Mohammed died on 28.08.2014, leaving behind his wife,

Tmt.Fathima Hanif and five brothers, which include the petitioner herein and he was also the owner of shop No.11, Door No.56, Jermish Road, Vepery, Chennai-97 and half of the undivided shares and in Plot Nos.57, 58, 67 and 68, New Star City, Vadagarai Village, Tiruvallur District. It is also stated by the petitioner that he has filed CS.No.648/2015 on the file of this Court against Tmt.Fathima Hanif and his brothers for partition and separate possession and also obtained interim orders against the said Fathima Hanif from encumbering or alienating the properties. The grievance expressed by the petitioner is that the 3rd respondent managed to get the legal heir certificate dated 24.07.2015 by the 2nd respondent as if she alone is the legal heir of the deceased Haji Hanif Mohammed, leaving behind the other brothers of her husband and in this regard, the petitioner submitted a representation/objection dated 27.06.2016 pointing out the said infirmity and despite the receipt and acknowledgment of the same, no orders have been passed and hence, the petitioner came forward to file this writ petition.

3 Heard the learned counsel for the petitioner and Mr.A.N.Thambidurai, learned Special Government Pleader who accepts notice on behalf of respondents 1 and 2.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances and without going in to the merits of the claim projected by the petitioner, directs the 2nd respondent to consider and dispose of the petitioner's objection/representation dated 27.06.2016 in accordance with law, after putting on notice, the 3rd respondent herein as well as the other four brothers of the petitioner herein, viz., Tvl.Adam Haji Mohammed, Osman Haji Mohammed, Azeez Haji Mohammed and Haji Abdul Hameed Mohammed, and pass orders within a period of eight 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 3rd respondent and the above said persons.

5 The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

AP

To

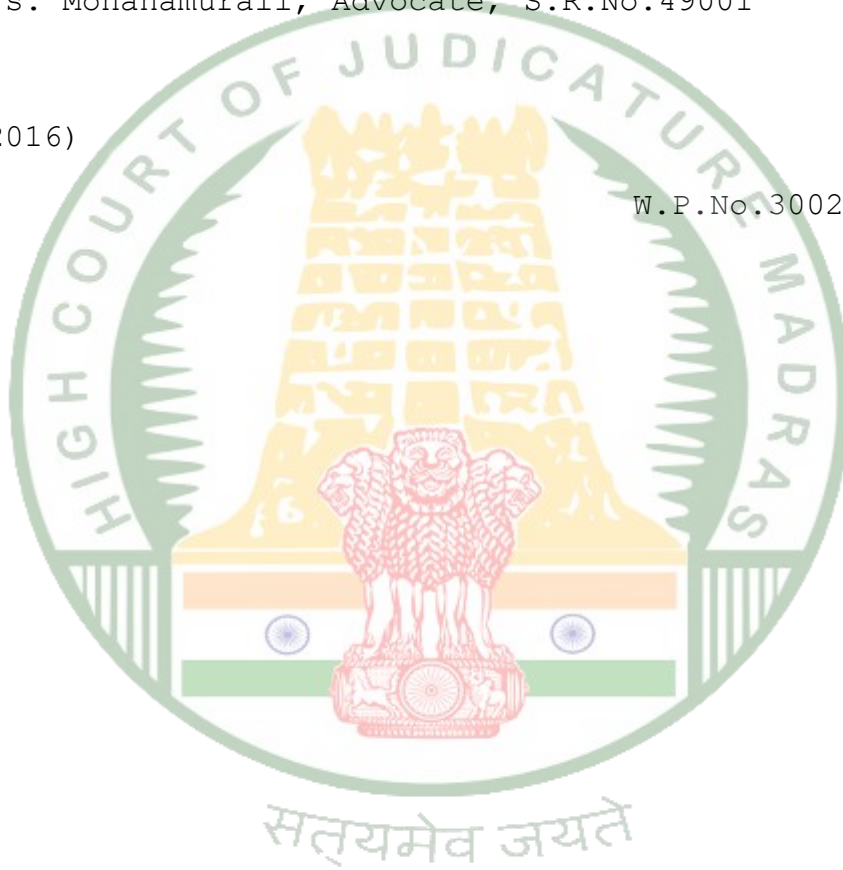
1 The Collector
Chennai District,
Rajaji Salai, Chennai-600 001.

2 The Thasildar,
Purasaiwalkam Thaluk,
Chennai.

+lcc to M/s. Mohanamurali, Advocate, S.R.No.49001

RP(CO)
EU(20/09/2016)

W.P.No.30021 of 2016



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