

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.5711 of 2016

J.Sarala

.. Petitioner

Vs.

The Tahsildar,
Perambur District,
Chennai.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent to consider the representation made by the petitioner, dated 03.09.2015 for issuance of Legal Heirship Certificate of her deceased brother Mr.J.Nithyanathan.

For Petitioner : Mr.A.Prabhakaran

For Respondent : Mr.P.Sanjay Gandhi, Addl.G.P.

ORDER

The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus to direct the respondent to consider the representation made by the petitioner, dated 03.09.2015 for issuance of Legal Heirship Certificate in respect of her deceased brother Mr.J.Nithyanathan.

2. It is the case of the petitioner that her father P.Jayaraman married her mother J.Annamal and the petitioner and her brother are their legal heirs. The petitioner's father died on 17.03.1999, leaving behind his legal heirs, namely the petitioner's mother-J.Annamal, the petitioner and her brother J.Nithyanathan. Thereafter, they were in possession and enjoyment of all her father's properties. While so, the petitioner's mother died on 14.08.2000, leaving behind the petitioner and her brother as the surviving legal heirs. After the death of the petitioner's mother, the respondent issued Legal Heirship Certificate in favour of the petitioner and her brother. Subsequently, her brother J.Nithyanathan also died unmarried on 09.10.2012, leaving behind the petitioner as the sole surviving legal heir and the petitioner has been enjoying the property bearing Door No.21, along with her husband from 09.10.2012 to till date. The E.B. connection of the house is in the name of the deceased brother of

the petitioner. Hence, the petitioner made a representation, dated 03.09.2015 to the respondent to issue the Legal Heirship Certificate so as to change the name of E.B. service connection and other Government records. Since the said representation has not been considered till date, she has filed this Writ Petition for the above relief.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the respondent.

4. Considering the limited scope of the prayer made in this Writ Petition, without going into the merits of the case, this Writ Petition is disposed of, with a direction to the respondent to consider the said representation of the petitioner, dated 03.09.2015 and after giving an opportunity of hearing to the petitioner and necessary parties, dispose of the said representation, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

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To

The Tahsildar,
Perambur District,
Chennai.

1 cc to Government Pleader, Sr.10194

1 cc to Mr.A. Prabhakaran, Advocate, Sr. 9909

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JP (CO)

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