

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7925 of 2016

Ellammal

... Petitioner

Vs

The District Collector
Tiruvannamalai District,
Tiruvannamalai.

2.The Tahsildar
Tahsildar office
Thandarampattu
Thiruvannamalai District.

... Respondents

Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the second respondent to consider the petitioner application dated 24.08.2015 within time limit fixed by this Court and issue legal heir certificate to the petitioner as per the representation dated 29.12.2015.

For Petitioner : Mr.A.Venkadesan

For Respondents : Mr.M.Dig Vijay Pandian, AGP.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come forward with the present Writ Petition seeking for issuance of mandamus directing the second respondent to consider the petitioner application dated 24.08.2015 within time limit fixed by this Court and issue legal heir certificate to the petitioner as per the representation dated 29.12.2015.

3.The petitioner has one brother by name Appu Gounder and one sister by name Muniammal. The parents of the petitioner died long back. The petitioner married one Poovathai in Mangalam Village and her sister Muniammal married one Angappan

in Mandhikulampatti and the petitioner brother/Appu Gounder lived as bachelor under the care of petitioner.

4.The petitioner submits that after the death of her parents, the brother/Appu Gounder maintained the entire ancestral property measuring to an extent of 61cents in SF.Nos.100/1D, 99/3E2, 99/3G in Radhapuram Village, Thandarampattu, Tiruvannamalai District and a patta was also issued in his favour in patta No.38. The brother of petitioner Appu Gounder died intestate on 28.01.2014 due to his ill-health, till his lifetime the brother and the sisters were enjoying the property jointly.

5.The petitioner and her sister/Muniammal are the only legal heirs of the deceased Appu Gounder. The petitioner gave a representation to the second respondent, to transfer patta in the names of petitioner and her sister, the second respondent rejected the claim of the petitioner for the reason that legal heir certificate of Appu Gounder was not produced. Hence, the petitioner submitted her application for issuance of legal heir certificate in favour of her and her sister. Then the petitioner issued legal notice to the respondents on 12.10.2015, in reply, the second respondent sent a communication in Ref.No.O.Mu/Aa5/11012/2015 for the enquiry to be held on 03.11.2015 at 11.00am. The petitioner attended the said enquiry and produced the documents viz., death certificate, voter ID and patta issued by the second respondent in favour of Appu Gounder and proved the bachelor ship of deceased brother. But till date the second respondent has not transferred the patta in favour of the petitioner nor issued the legal heir certificate. Hence, the petitioner filed the present writ petition.

6.Heard the submissions of learned counsel appearing for the petitioner and the learned Additional Government Pleader who accepts notice on behalf of the respondents.

7.Considering the facts and circumstances and without going into the merits of the same, this Court directs the respondent to consider application/representation dated 24.08.2015 and 29.12.2015, for transfer of patta and for issuance of legal heir certificate, on merits and in accordance with law, within a period of six weeks, from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner and the sister/Muniammal and other necessary parties, if any.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The District Collector
Tiruvannamalai District,
Tiruvannamalai.

2.The Tahsildar
Tahsildar office
Thandarampattu
Thiruvannamalai District.

+1cc to M/S.A.Venkadesan, Advocate, S.R.No.13567
+1cc to the Government Pleader, S.R.No.13909

W.P.No.7925 of 2016

ala(CO)
srg(21/03/2016)

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