

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 30.06.2017****CORAM:****THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM****W.P. (MD) No.12219 of 2017**

Mohana Alamelu

...Petitioner

-Vs-

1. The Tahsildar,
Madurai South Taluk,
Madurai District.

2. Backiyam

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to issue legal heir certificate for the death of petitioner's father Late Ramu, S/o. Kasiya Pillai, died on 23.04.2017 by considering petitioner's representation dated 22.05.2017 within the period stipulated by this Court.

For Petitioner	: M/s.S.Akila
For R1	: Mr.M.Alagathevan Special Government Pleader
For R2	: Mr.P.Krishnan

O R D E R

The prayer in this Writ petition is for issuance of a Writ of Mandamus directing the first respondent to issue a legal heir certificate for the death of the petitioner's father Late Ramu, S/o. Kasiya Pillai died on 23.04.2017, based on her representation dated 22.05.2017.

2. The petitioner states that the petitioner's father Late Ramu married her mother Santhana Sundari and through her, he had four daughters, including the petitioner. Subsequently, due to misunderstanding with the petitioner's mother, he developed intimacy with the second respondent and through her, he had another daughter viz., Mohana Alamelu.

3.The petitioner would state that after the demise of her father on 23.04.2017, she approached the first respondent to issue legal heir certificate. However, the first respondent neither rejected the claim of the petitioner nor issue the legal heir



certificate. In this regard, he sent a representation dated 22.05.2017 to the first respondent. Despite the same, no progress has been made so far. Hence, the present writ petition is filed.

4. Heard M/s.S.Akila, learned counsel appearing for the petitioner, Mr.M.Alagathevan, learned Special Government Pleader appearing for the first respondent and Mr.P.Krishnan, learned counsel appearing for the second respondent.

5. The learned counsel appearing for the second respondent would submit that he has no objection for issuing legal heir certificate to the first wife and the children born through the first wife and the second respondent's daughter.

6. Mr.M.Alagathevan, learned Special Government Pleader appearing for the first respondent would submit that the representation of the petitioner is under consideration.

7. In view of the above said submissions, this Court without going into the merits of the case, direct the first respondent to consider the representation of the petitioner dated 22.05.2017, after providing an opportunity of personal hearing to the petitioner as well as the other parties concerned, if any and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

The Tahsildar,
Madurai South Taluk,
Madurai District.

+1cc to Mr.A. Kaja Mohideen, Advocate Sr.No.62952

PSD/NS

VB/MR/KKR/SAR2/07.07.2017/2P/3C

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