

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.20740 of 2018 and
W.M.P.Nos. 24365 to 24367 of 2018

1.Dr.K.R.Chitra

2.Minor Amal Krishna A.
minor represented by his mother/
natural guardian/1st petitioner ... Petitioners

Vs

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai - 606 604.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruvannamalai District - 606 601.

3.The Tahsildar,
Thiruvannamalai Taluk Office,
Thiruvannamalai District - 606 601.

4.Muniyammal ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned legal heir ship certificate dated 05-09-2017 made in D.Dis(A1)12276/2017 issued by the third respondent and to quash the same and consequently direct the third respondent to issue the legal heirship certificate including the name of the petitioners along with fourth respondent for the death of Mr.M.Anbu son of Munusamy who died on 01-07-2017 forthwith.

For Petitioners : Mr.C.Prabakaran

For Respondents : Mr.V.Shanmugasundar,
Special Government Pleader

ORDER

The petitioners have come up with this writ petition challenging the impugned legal heir ship certificate dated 05-09-2017 made in D.Dis(A1)12276/2017 issued by the third respondent and seeking a direction to the third respondent to issue legal heir ship certificate including their names along with fourth respondent due to the death of Mr.M.Anbu son of Munusamy who died on 01-07-2017.

2.According to the petitioners, they are mother and son respectively. The first petitioner is working in a private firm and the second petitioner is studying at Bhavans Munshi Vidya Ashram, Tripunithura, Kerala. According to them, one late Dr.M.Anbu, was the husband of the first petitioner and was a Principal Scientist in National Institute for Interdisciplinary Science and Technology - Council of Scientific and Industrial Research - Thiruvananthapuram, Kerala. Due to marital discord, the first petitioner and the said Anbu got divorced in the year 2010 by judgment in O.P. No.886 of 2008 before the Family Court, Ettumanoor. When the said Anbu was due to pay the settlement amount of Rs.15,00,000/- and the landed property, he expired on 01.07.2017 at Tiruvannamalai. Thereafter, the first petitioner came to know that one Muniyammal, the fourth respondent herein who is the mother of late Anbu has illegally obtained legal heir certificate with an intention to grab all the properties of the deceased. Therefore, the petitioners are before this Court seeking the above prayer.

3.Learned counsel for the petitioner, after some arguments would submit that it would suffice if the representation given by the petitioner is directed to be considered by the respondents, on merits.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court hereby directs the respondents to consider and dispose of the representation dated 02.07.2018 made by the petitioner, 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 due opportunity of personal hearing to the petitioner as well as any of the interested parties.

5. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

vga
To

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai - 606 604.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Thiruvannamalai District - 606 601.
3. The Tahsildar,
Thiruvannamalai Taluk Office,
Thiruvannamalai District - 606 601.

+ 1 cc to Mr. C. Prabakaran, Advocate Sr.56149
+ 1 cc to Mr. Government Pleader Sr.56426

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(CS-DR)
EU(04/09/2018)

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