

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.13422 of 2011

1.M.Rani
2.Manonmani (minor)
3.Uma Maheswari (minor) ... Petitioners
(2 & 3 are Minors rep by their
mother natural Guardian M.Rani)

-Vs-

The Tahsildar,
Gummidipoondi Taluk Office,
Gummidipoondi 601 201,
Tiruvallur District. ... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to consider the representation of the 1st petitioner, dated 07.02.2011 for mutation of revenue records in respect of the estate of the deceased, Munivel in favour of the 1st petitioner in accordance with law.

For Petitioners : Mr.R.Munuswamy
For Respondent : Mr.J.Pothiraj,
Special Government Pleader

O R D E R

Heard Mr.R.Munuswamy, learned counsel for the petitioners and Mr.J.Pothiraj, learned Special Government Pleader appearing for the respondent.

2. The petitioners have approached this Court, seeking the following relief:-

"To issue a Writ of Mandamus, to direct the respondent to consider the representation of the 1st petitioner, dated 07.02.2011 for mutation of revenue records in respect of the estate of the deceased, Munivel in favour of the 1st petitioner in accordance with law."

3. The case of the petitioners is as follows:-

The first petitioner is the mother of petitioner Nos.2 and 3 and wife of late one Mr.Munivel. The husband of the first petitioner died intestate on 19.11.2002, left behind her and two minor children as the sole surviving legal heirs to inherit his entire estates.

4. According to the first petitioner, Mr.Munivel's parents were predeceased her husband. On the death of her husband, the petitioner had approached the respondent for issuance of legal heirship certificate. However, the same was refused by the respondent that the first petitioner was the third wife of the deceased Munivel.

5. At this, the first petitioner represented that the deceased Munivel married her only on the death of his first two wives and there were no children born through the first two wives and only the first petitioner and the minor second and third petitioners are the legal heirs. However, the first petitioner was advised to get Court direction in this regard. Therefore, it appears that the petitioner had approached the Civil Court and filed O.S.No.425 of 2008, before the District Munsif Court, Ponneri, for declaration that they are the legal heirs of late Munivel. The said suit was also decreed in favour of the first petitioner on 07.09.2009. After the judgment and decree of the Civil Court, the first petitioner once again approached the respondent and thereafter, the legal heirship certificate was issued to the petitioners on 22.10.2010.

6. According to the first petitioner, her husband had owned several acres of agricultural lands under various Survey Numbers and even after the death of her husband, in the revenue records, no changes were brought out and all the properties are still in the name of the late husband. After receipt of the legal heirship certificate, the petitioner submitted her representation on 27.10.2010, for mutation of entries in the revenue records. Along with the representation, the legal heirship certificate was also enclosed. Thereafter, another representation was also sent on 07.02.2011, along with necessary documents. But, unfortunately, the representations had not evoked any response from the respondent. Therefore, the petitioner is before this Court, seeking issue of Writ of Mandamus.

7. Upon notice, learned Special Government Pleader appearing for the respondent, entered appearance.

8. The learned Special Government Pleader would submit that the respondent may be directed to dispose of the representation said to have been made by the first petitioner on 07.02.2011 and the first petitioner may be directed to submit a fresh representation in this regard and time may be stipulated to the respondent to dispose of the representation.

9. Considering the submissions of the learned counsel appearing for the parties, this Court directs the first petitioner to submit a fresh comprehensive representation along with the copy of the affidavit filed in support of the writ petition to the respondent, within a period of one week from the date of receipt of a copy of this order. On receipt of the representation along with the affidavit, the respondent shall dispose of the representation within a period of four weeks thereafter, on merits and in accordance with law.

10. With this direction, the writ petition stands disposed of. No costs.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

gsk

To

The Tahsildar,
Gummidipoondi Taluk Office,
Gummidipoondi 601 201,
Tiruvallur District.

+1cc to Mr.R.Munuswamy, Advocate, sr.no.28753

+1cc to the Government Pleader, sr.no.29171

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SSI (CO)

RRK (04/06/18)