

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.01.2018

CORAM

THE HONOURABLE MR.JUSTICE RAVICHANDRABAABU

W.P.No.31609 of 2017

Pitchandi

... Petitioner

vs.

The Thasildhar
Thasildhar Office,
Settupattu,
Thiruvannamalai.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to include the petitioner's name along with the other legal heirs and issue the fresh legal heirship certificate by adding the petitioners name entitled for family pension claim..

For Petitioner : Mr.K.Chandru

For Respondent : Mr.D.Suriya Narayanan
Additional Government Pleader

O R D E R

The petitioner seeks for a mandamus directing the respondents to include her name along with the other legal heirs of her deceased husband, by name Subramani, by considering her representation dated 21.11.2017.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondent.

3. It is stated that the petitioner's husband, by name Subramani, was working in Army and died intestate on 13.11.2016. It is also stated that the said Subramani married one Rajeswari and through their wedlock children were born to them. It is further stated that the said Rajeswari died on 15.11.2001 and after her death the said Subramani married the petitioner on 10.12.2002. The death of the first wife as well as the re-marriage of the deceased with the petitioner herein has been duly published by the Office of the Sena Police Corps Abhilekh Karyalaya Corps of Military Police Records as could be seen in

the proceedings issue on 25.03.2009 by the Major, Senior Record Officer, which is made available in the typed set of papers. It is stated that in the legal heirship certificate issued by the respondent for the deceased Subramani, though the children born through the first marriage as well as the children born through the second marriage were shown as legal heirs of the deceased, the petitioner's name has not been shown as the legal heir of the deceased and therefore, she made a request on 21.11.2017 to include her name also along with the other legal heirs in the legal heirship certificate. In support of her claim, the petitioner seeks to rely on several documents including the pension papers of the deceased. Therefore, it is for the respondent to consider the representation of the petitioner dated 21.11.2017 and pass order on the same based on the documents to be produced by the petitioner in support of her claim.

4. Accordingly, the writ petition is disposed of by directing the respondent to consider the representation of the petitioner dated 21.11.2017 and pass orders on the same by including her name in the legal heirship certificate after perusing the material documents to be produced by the petitioner. Accordingly, the respondent shall issue notice of hearing to the petitioner, on which date, the petitioner shall appear and produce the necessary documents before the respondent for his perusal. The whole exercise shall be done by the respondent and appropriate orders shall be passed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vsi
To
The Thasildhar
Thasildhar Office,
Settupattu,
Thiruvannamalai.
+1 cc to Mr.K.Chandru Advocate sr 2322
+1 cc to Govt Pleader sr 2989

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