

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.14058 of 2018

L.Jothy

... Petitioner

Vs.

1.The Tahsildar
Tiruvallur
Tiruvallur District.

2.The Revenue Divisional Officer
Tiruvallur
Tiruvallur District.

3.The Village Administrative Officer
Kadambathur village
Thiruvallur
Thiruvallur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the first respondent to direct the third respondent to send his report and direct the second respondent to issue legal heirs certificate of petitioner's husband based on petitioner's representation dated 29.06.2017 send through the District Legal Services Authority, Thiruvallur and her representation dated 12.04.2018.

For Petitioner :Mr.S.Kumara Devan

For Respondents:Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

The petitioner has come up with this writ petition seeking a direction to the first respondent to direct the third respondent to send his report and direct the second respondent to issue legal heirs certificate of petitioner's husband based on petitioner's representation dated 12.04.2018.

2. According to the learned counsel for the petitioner, petitioner is the second wife of one Lenin, who had three sons through his deceased first wife. The said Lenin was working in Indian Railways. Since the said Lenin died during his service, according to law, his second wife, the petitioner herein and his first wife's three sons were beneficiaries for his pensionary benefits. The claim of the petitioner is that she submitted a representation dated 29.06.2017 to the District Legal Service Authority, Tiruvallur, to issue a legal heir certificate and the same was transferred to the first respondent and then transferred to the second respondent. Based on the said representation, third respondent requested her to produce all the required documents. Though the petitioner has produced the required documents, the third respondent has not chosen to send any report to the second respondent and he kept her representation pending without any valid reason. Again she sent a representation dated 12.04.2018 to the District Collector, Tiruvallur, claiming the relief as prayed in this writ petition, but the same is yet to be disposed of by the respondents. Hence, the petitioner is before this Court.

3. Mr. V. Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents, on instructions, submitted that the third respondent would submit the report within a period of two weeks and thereafter, the first respondent be directed to pass orders in accordance with law.

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 directs the third respondent to submit the report, based on the petitioner's representation dated 29.06.2017 and 12.04.2018, with regard to the issuance of legal heirs certificate for the husband of the petitioner, within a period of two weeks from the date of receipt of a copy of this order and on such filing, the first respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as any of the interested parties, within a period of three weeks thereafter.

5. Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Tahsildar
Tiruvallur
Tiruvallur District.

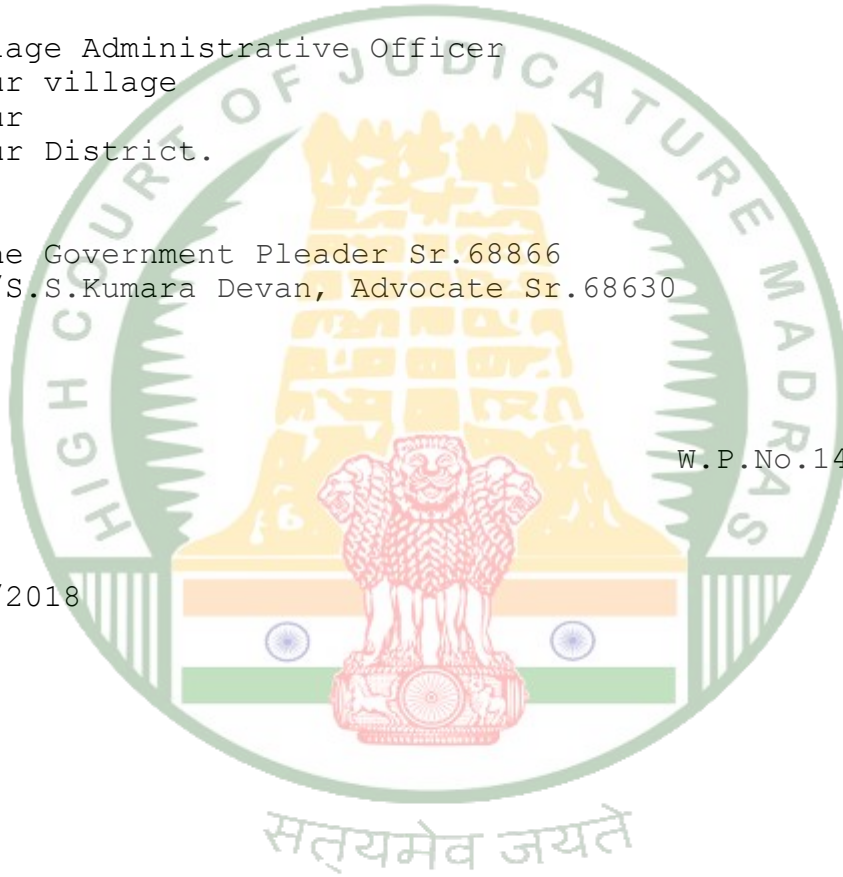
2.The Revenue Divisional Officer
Tiruvallur
Tiruvallur District.

3.The Village Administrative Officer
Kadambathur village
Thiruvallur
Thiruvallur District.

+lcc to the Government Pleader Sr.68866
+lcc to M/S.S.Kumara Devan, Advocate Sr.68630

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srg 02/11/2018



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