

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.13610 of 2018

Umamanickam

... Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Park Town,
Chennai - 600 003.
2. The Assistant Health Officer,
Corporation of Chennai,
Zone-VIII, Chetput, Chennai - 600 030. ... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to consider representation dated 08.05.2018 to rectify the mistake of father name of Deenadayalan, as Balu Reddy deleting the erroneous name Babu from the death register of Balu Reddy of the respondents consequently in the 8th column of the death register of Deenadayalan.

For Petitioner : M/s.G.Appavu

For Respondents : Mr.T.C.Gopalakrishnan, Standing Counsel

ORDER

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents and perused the materials available on record.

2. The petitioner has come forward with this writ petition for issuance of a writ of mandamus to direct the respondents to consider the representation dated 08.05.2018.

3. The case of the petitioner is that one Balu Reddy was owning large extent of lands in Konnur Village, Villivakkam and T.Nagar. The petitioner claims that the lands were inherited by

his legal heirs, viz., Deenadayalan, Selvi, Suseela @ Jothi and Vedhavalli and the said Deenadayalan had 1/4th share in the property.

4. The petitioner would further claim that the said Deenadayalan had executed a registered will in favour of the petitioner on 06.10.2010, registered as document No.62 of 2010 in Sub Registrar Office, Konnur of his 1/4th share of the property and the said Deenadayalan passed away on 14.05.2017.

5. The learned counsel for the petitioner submitted that the father's name of Deenadayalan is Balu Reddy, but in his death certificate, it has been wrongly mentioned as Babu Reddy and hence she submitted a petition on 08.05.2018 to rectify the mistake. Since no favourable order, she has come up with the present writ petition.

6. The learned counsel further submitted that the petitioner is one of the beneficiaries under the will and she is unable to apply for probate under Section 213 of the Indian Succession Act, since the father's name of the deceased Deenadayalan was wrongly mentioned. He further submitted that it would suffice, if a direction is issued to the second respondent to consider the representation of the petitioner.

7. The learned Standing Counsel on instructions submitted that the second respondent is ready to pass orders on the representation of the petitioner.

8. Considering the facts of this case and the submissions of the learned counsels on either side, this Court, without going into the merits of the case, directs the second respondent to consider the representation of the petitioner, dated 08.05.2018 and pass orders on merits and in accordance with law, after providing an opportunity of hearing to all the necessary parties, within a period of four weeks from the date of receipt of a copy of this order.

9. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Park Town,
Chennai - 600 003.

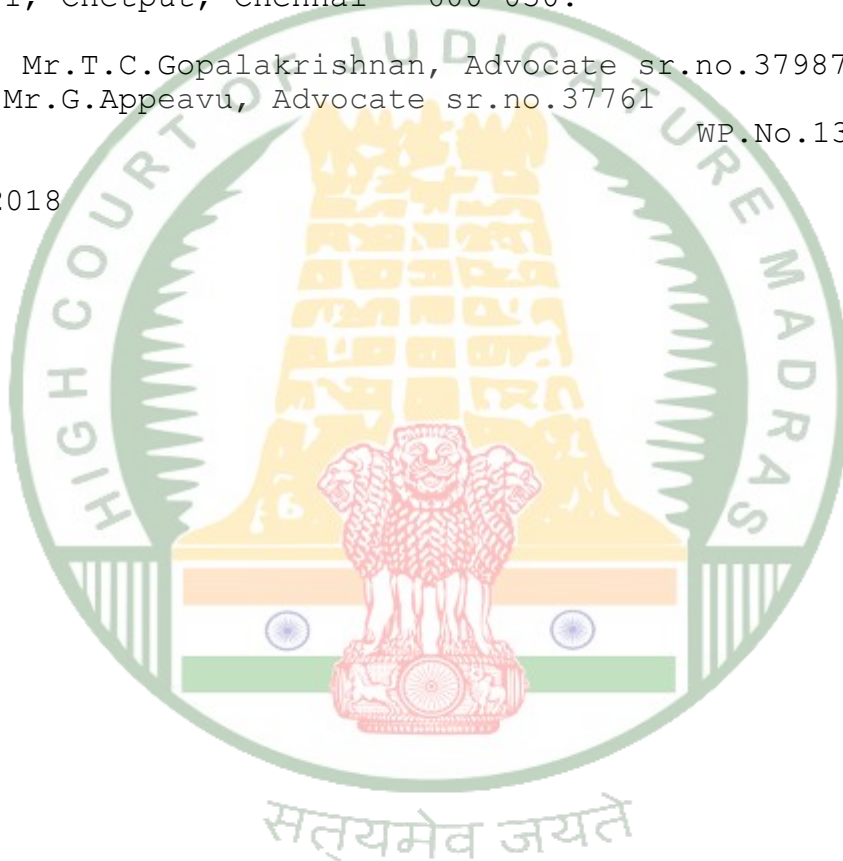
2. The Assistant Health Officer,
Corporation of Chennai,
Zone-VIII, Chetput, Chennai - 600 030.

+1cc to Mr.T.C.Gopalakrishnan, Advocate sr.no.37987

+1cc to Mr.G.Appeavu, Advocate sr.no.37761

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