

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.01.2018

CORAM

THE HONOURABLE MR.JUSTICE RAVICHANDRABAABU

W.P.No.1451 of 2018

M.Rishab Kumar
S/o.Late S.Murali

... Petitioner

vs.

- 1.The District Collector
Chennai District,
Chennai.
- 2.The Revenue Divisional Officer
Tondiarpet, Chennai-600 081.
- 3.The Tahsildar
Ayanavaram Taluk
New Avadi Road,
Chennai-600 010.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 2nd and 3rd respondents to include the petitioner's name as "Son" in the legal heir certificate of the petitioner's deceased father S.Murali and to issue the same to the petitioner.

For Petitioner : Mr.S.Sriramulu
For Respondents : Mr.M.Jothikumar
Additional Government Pleader

O R D E R

Mr.M.Jothikumar, learned Additional Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus directing the respondents 2 and 3 to include his name as "Son" in the legal heir certificate of his deceased father S.Murali and issue the same to the petitioner.

3. It is stated that the petitioner's father S.Murali died on 26.01.2016. During his lifetime, he was working in the Railways. It is further stated that the petitioner was born through the first marriage of his deceased father. It is also stated that the petitioner's father, after divorcing his mother, had married another person by name Alamelu. It is also stated by the petitioner that the Railway authorities had sanctioned

50% of the family pension to the petitioner and other 50% to the second wife of his deceased father, namely Alamelu.

4. The grievance of the petitioner before this Court is that while issuing the legal heir certificate, the Revenue authorities had included only the mother and the second wife of the deceased as his legal heirs, without including the petitioner's name, being the only son born through the first wife. Therefore, the petitioner wants to include his name in the legal heir certificate and accordingly, he made a representation on 18.12.2017. It is stated that the said representation is still pending and not considered by the respondents.

5. Considering the above stated facts and circumstances, the respondents 2 and 3 are directed to consider the grievance of the petitioner and pass orders on the same, on merits and in accordance with law, after giving due opportunity of hearing to the petitioner as well as other interested persons, also by perusing the material documents in support of the claim made by the petitioner. The whole exercise shall be done by the respondents 2 and 3 within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

(mk)

To

1.The District Collector
Chennai District,
Chennai.

2.The Revenue Divisional Officer
Tondiarpet, Chennai-600 081.

3.The Tahsildar
Ayanavaram Taluk
New Avadi Road,
Chennai-600 010.

+2cc to Mr.S.Sriramulu, Advocate, S.R.No.5194

+1cc to the Government Pleader, S.R.No.5846

(CO)

CA(/04/2017)

W.P.No.1451 of 2018

nm(CO)

klt(10.02.2018)