

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.7054 of 2019

Samaruth Begum

... Petitioner

Vs.

1.The District Collector
Cuddalore
Cuddalore District.

2.The Tahsildar
Chidambaram Taluk
Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to issue the legal heirship certificate based on the representation dated 08.02.2019.

For Petitioner : Mr.P.Ganesan

For Respondents: Mr.J.Purushothaman
Government Advocate

O R D E R

Mr.J.Purushothaman, learned Government Advocate 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 to issue the legal heirship certificate based on her representation dated 08.02.2019.

3. The case of the petitioner is as follows:

The petitioner's husband name is Sheik Umar, joined as a Police Constable in the Tamil Nadu Police Department in the year 1978. The petitioner and her husband got married in the year

1979. Out of their wedlock, they got two children. On 28.11.2009, the petitioner's husband left for his office as usual and did not return home, whose whereabouts are not known to the petitioner. Hence, the petitioner made a complaint before the respondent-Police on 21.11.2011 and filed CrI.OP.No.19917 of 2015 before this Court and this Court by order dated 07.08.2015, closed the above said petition by granting liberty to the petitioner to work out her claim before the Civil Forum. Thereafter, the petitioner filed a writ petition in WP.No.31718 of 2018 and this Court by order dated 03.12.2018 disposed of the said writ petition by directing the respondents to consider her representation dated 16.11.2017, in the light of G.O.Ms.No.478 Finance (Pension) Department, dated 04.06.1987 as well as Rule 49A of the Tamil Nadu Pension Rules, 1978. Hence, the petitioner approached the official respondents seeking for all terminal benefits of her husband and the official respondents directed the petitioner to get legal heirship certificate of her husband. Accordingly, the petitioner made an application on 08.02.2019 before the second respondent seeking for issuance of legal heirship certificate. The grievance of the petitioner is that the said representation has not been considered by the respondents so far.

4. Heard both sides.

5. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the respondents to consider and decide the same. Accordingly, this writ petition is disposed of, only by directing the respondents to consider the representation of the petitioner dated 08.02.2019 and pass orders on the same on merits and in accordance with law, after conducting proper enquiry. Such exercise shall be done by the respondents within a period of four weeks from the date of receipt of a copy of this order. No costs.

सत्यमेव जयते Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mk

To

1.The District Collector
Cuddalore
Cuddalore District.

2.The Tahsildar
Chidambaram Taluk
Cuddalore District.

+1 cc to M/s.P.Ganesan, Advocate Sr.No.23028
+1 cc to The Government Pleader, Sr.No.23620

W.P.No.7054 of 2019

GP (CO)
CSL/08.04.2019



WEB COPY