

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 15.04.2019
CORAM
THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
W.P.No.11343 of 2019

K.Madhu

...Petitioner

Vs.

1.The District Collector
O/o.Salem District
Salem.

2.The Revenue Divisional Officer
O/o.Revenue Divisional Office
Salem District, Salem.

3.The Tahsildar
O/o.Salem Tahsildar
Salem.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 & 2 to dispose the petitioner's representation dated 09.10.2018 and consequently, include the petitioner's name in the Legal Heir Certificate issued in No.2803/2018(m2) dated 13.07.2018 for the death of her husband Kanakaraj.

For Petitioner : Mr.D.Bharathy

For Respondents: Mr.S.N.Parthasarathy
Government Advocate

O R D E R

Mr.S.N.Parthasarathy, learned Government Advocate takes notice for the respondents. By consent of the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks to include her name in the Legal Heir Certificate issued by the third respondent dated 13.07.2018.

3. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

4. The case of the petitioner is as follows:

The petitioner's husband by name Kanakaraj married one Nalini and she died on 27.12.1988 issueless. Thereafter, the

petitioner's husband married the petitioner on 20.04.1989 and out of their wedlock, they have three children, whose names alone are referred to as the legal heirs of the deceased in the Legal Heirship Certificate issued by the third respondent dated 13.07.2018. Hence, the petitioner wants to include her name also in the said Certificate. Ventilating such grievance, the petitioner has already made a representation before the second respondent on 09.10.2018. As the said representation has not been considered, the present writ petition is filed before this Court.

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, more particularly, the third respondent to consider and decide the same. However, as the representation was made by the petitioner before the second respondent, it is for the petitioner to make a fresh representation before the third respondent, who in turn has to conduct enquiry and pass appropriate orders. Accordingly, this writ petition is disposed of, only by directing the petitioner to make a representation before the third respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the third respondent shall conduct enquiry and thereafter, to pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of the representation. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector
O/o.Salem District
Salem.

2.The Revenue Divisional Officer
O/o.Revenue Divisional Office
Salem District, Salem.

3.The Tahsildar
O/o.Salem Tahsildar
Salem.

+1cc to Government Pleader sr.38225

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nr 27/05/2019



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