

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

Writ Petition No.31038 of 2019

Mrs.Jayalakshmi

.. Petitioner

/versus/

The Tahsildar,
Perambur Taluk Office,
Perambur, Chennai 600 011.

.. Respondent

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to consider the petitioner representation dated 18.09.2019 by way of removing the name of the petitioner's father from the legal heir certificate.

For Petitioner :Mr.B.Srikrishnan

For Respondent :Mr.R.Govindasamy,
Special Government Pleader

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 18.09.2019 by way of removing the name of the petitioner's father from the legal heir certificate.

2. From the additional affidavit along with the typed set of papers filed by the petitioner, it appears that a fresh representation dated 05.11.2019 has been given by the petitioner to the Tahsildar, Perambur Taluk Office, Perumbur, Chennai and therefore, she seeks a direction to the respondent, to consider her fresh representation dated 05.11.2019.

3. The reason for this is that the father of the petitioner is missing from 13.11.2002. Therefore, she wants to remove the name of father of the petitioner from the legal heir certificate.

4. The learned Special Government Pleader appearing for the respondent states that, if a person is declared to be missing, an order has to be obtained in this regard from the Civil Court. In this connection, she placed reliance on Circular No.9 of 2019, Rc.No.RA 5(3)/180/2017, dated 24.09.2019. The learned Special Government Pleader also stated that a fresh representation given, dated 05.11.2019 would be considered by the respondent and an order can be passed on the same.

5. Accordingly, the writ petition is disposed of with a direction to the respondent to consider the representation of the petitioner dated 05.11.2019, by calling the petitioner for an enquiry, examine the petitioner and peruse the documents supplied by the petitioner and thereafter, pass an order on merits on or before 15.02.2020. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To:

The Tahsildar,
Perambur Taluk Office,
Perambur, Chennai 600 011.

+1cc to Mr.B.Srikrishnan, Advocate SR.106334

W.P.No.31038 of 2019

PVS(CO)
CB(31/01/2020)