



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.08.2019**

CORAM

**THE HON'BLE MR.JUSTICE R.SURESH KUMAR**

W.P.(MD)No.17057 of 2019

Rasiya Banu

...Petitioner

-Vs-

1.The Tahsildar,  
Taluk Office, Ramanathapuram  
Ramanathapuram Taluk,  
Ramanathapuram District.

2.The Commissioner,  
Municipality, Ramanathapuram Town,  
Ramanathapuram Taluk,  
Ramanathapuram District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to issue legal heir certificate in favour of the petitioner based on the petitioner's representation dated 13.08.2018.

For Petitioner : Mr.J.M.Hassanul Bazari  
For Respondents : Mr.V.Anand (for R1)  
Government Advocate  
Mr.A.Kannan (for R2)

**ORDER**

The prayer in this writ petition is for a Writ of Mandamus, to direct the first respondent to issue legal heir certificate in favour of the petitioner, based on the petitioner's representation, dated 13.08.2018.

2.Heard Mr.J.M.Hassanul Bazari, learned counsel appearing for the petitioner, Mr.V.Anand, learned Government Advocate appearing for the first respondent and Mr.A.Kannan, learned counsel appearing for the second respondent.

3.With the consent of both sides, this writ petition is being disposed of at the admissions stage itself.

4.The case of the petitioner is that her father, namely, ~~Mohamed Aliyar~~ died on 04.12.1993 and in this respect, the second



respondent had given a Death Certificate, where the name of the petitioner's father has been mentioned as Aliyar.

5. In view of the discrepancy, the petitioner has made representations on 13.08.2018 to the first respondent as well as the second respondent, separately and seeking indulgence of the respondents to issue legal heir certificate as well as the corrected Death Certificate from the respondents 1 and 2 respectively. Since both the representations have not so far been considered, the petitioner is before this Court. Hence, the learned counsel appearing for the petitioner submitted that, if a direction is given to the respondents to decide the said representations filed by the petitioner, within a time frame on merits, the petitioner would be satisfied.

6. I have heard the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the second respondent. They would submit that, the said representations submitted to the respondents by the petitioner dated 13.08.2018 would be decided on merits and in accordance with law, within a time frame.

7. Considering the limited scope of the prayer sought for in this writ petition, this Court is inclined to dispose of this writ petition with the following directions:-

"that the first respondent is hereby directed to consider the representation of the petitioner, dated 13.08.2018 regarding the issuance of legal heir certificate and decide the same, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Like that, the second respondent shall consider the petitioner's representation, dated 13.08.2018 with regard to the issuance of the corrected Death Certificate of the petitioner's father and pass necessary orders to that effect, within a period of four weeks from the date of receipt of a copy of this order."

8. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)



The Tahsildar,  
Taluk Office, Ramanathapuram  
Ramanathapuram Taluk,  
Ramanathapuram District.

+1 CC to M/s.A.KANNAN, Advocate ( SR-79376[F] dated 02/08/2019 )

+1 CC to M/s.J.M.HASSANUL BAZARI, Advocate ( SR-79656[F] dated 05/08/2019 )

+1 CC to M/s.SPL GP ( SR-79797[F] dated 05/08/2019 )

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\_\_KM/ (25.11.2019) 3P 5C