

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.2252 of 2020

Marammal

.. Petitioner

..Vs..

1. The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.

2. The Revenue Inspector,
Pennagaram,
Dharmapuri District.

..Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to issue Legal Heir Certificate to the petitioner, based on Representation dated 02.12.2019.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.G.Rajesh
Government Advocate

O R D E R

The writ petition has been filed in the nature of mandamus, seeking issuance of Legal Heir Certificate to the petitioner based on the representation dated 02.12.2019.

2. The writ petition had been filed by Marammal W/o.(Late) Maran residing at K.Kullathirampatti Village, Koothapadi Post, Pennagaram Taluk, Dharmapuri District against the respondents namely the Tahsildar, Pennagaram Taluk, Dharmapuri District and the Revenue Inspector, Pennagaram Taluk, Dharmapuri District.

3. In the affidavit filed in support of this petition, it had been stated that the husband of the petitioner, Maran, died on 21.01.2010, leaving behind the petitioner and her daughter Vennila as his only legal heirs. The petitioner had applied for the Death Certificate of Maran and obtained the same. Thereafter, the petitioner applied for Legal Heir Certificate. Since the Legal Heir Certificate was not issued, and since on

the representation dated 24.01.2019 and 02.12.2019, given by the petitioner, no orders have been passed in the representation, the petitioner has filed the present writ petition.

4. A counter affidavit has been filed by the 1st respondent namely the Tahsildar, Penangaram Taluk, Dharmapuri District. In the counter affidavit, it had been stated that the husband of the petitioner was a native of Anchetty, Krishnagiri District. Hence, the 1st respondent had directed the Tahsildars of Anchetty and Denkanikottai to furnish the family details by letter dated 05.10.2019 in Roc.No.940 of 2019. It is also stated that the petitioner has been given full liberty to approach the Revenue Divisional Officer, Dharmapuri and District Collector, Dharmapuri in this subject matter.

5. On perusal of records, it appears that the deceased Maran was living with his first wife by name Puttamma along with his son namely Venkatesan in his native place Anchetty, Krishnagiri District.

6. Similarly, the learned Additional Government Pleader also passed a letter of the Tahsildar, Anchetty, dated 14.02.2020, a copy of which has been forwarded to the learned counsel for the petitioner along with the representation given by Venkatesh who is claimed to be a son of Maran. In the said representation, it is claimed that the said Venkatesh has stated that he is the only son of Maran and hence, he and his mother/1st wife of Maran, Puttamma are the natural legal heirs of the deceased Maran.

7. In view of the conflicting facts, the jurisdiction of writ Court under Article 226 of Constitution of India cannot be invoked. It would only be advisable for the petitioner to approach the competent Civil Court, implead the 1st wife namely Puttamma and her son Venkatesh and also the relevant Tahsildars and thereafter may proceed with the case in the manner known to law.

8. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

vum

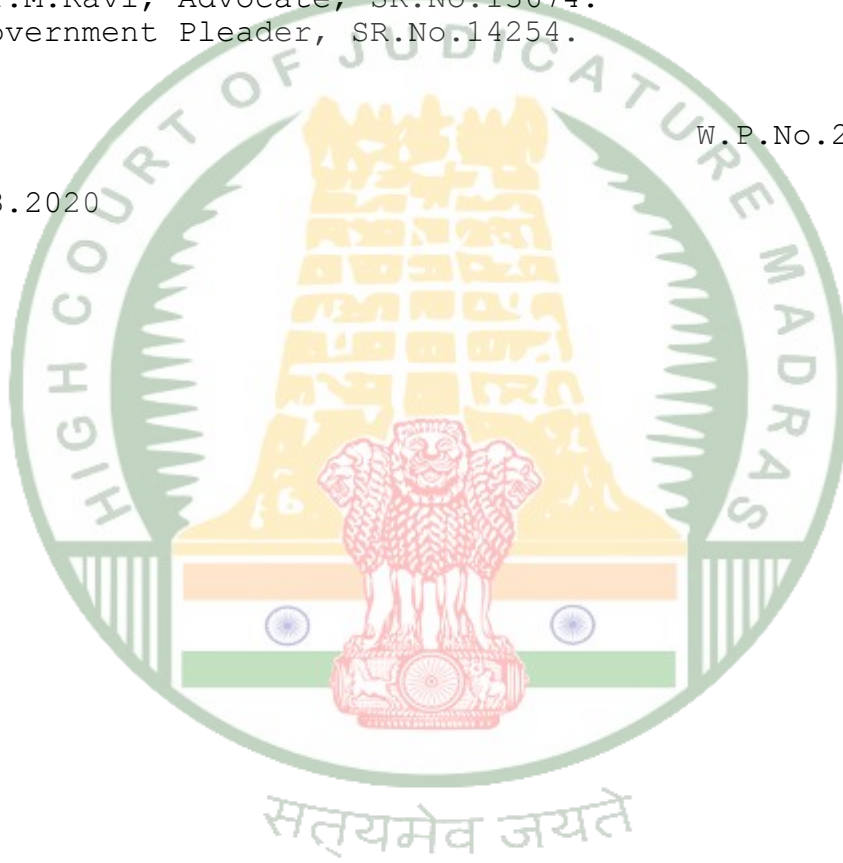
To

1. The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.
2. The Revenue Inspector,
Pennagaram,
Dharmapuri District.

+1cc to Mr.M.Ravi, Advocate, SR.No.13674.
+1cc to Government Pleader, SR.No.14254.

W.P.No.2252 of 2020

VD(CO)
CSR: 13.03.2020



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