

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.14914 of 2020
(Heard through VC)

G.Shymala

.. Petitioner

Vs.

1. The Revenue Divisional Officer,
Gudiyatham,
Office of Revenue Divisional Officer,
Gudiyatham, Vellore District.
2. The Regional Educational Officer,
Office of the Regional Educational Office,
KV Kuppam,
Vellore District.
3. The District Educational Officer,
Vellore District.
4. The Tahsildar,
KV Kuppam,
Office of Tahsildar,
Vellore District.
5. The Revenue Inspector,
KV Kuppam,
Vellore District.
6. Poon Kozhalilan
7. Thenkozhauli

.. Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to immediately complete the enquiry and pass orders on the petitioner appeal cum complaint to cancel the legal heir certificate made in Na.Ka.A3/390/2020 dated 22.09.2020 in Complaint No.B1/891/2020 dated 22.09.2020 within short time limit.

For Petitioner : Mr.S.Venkatesh
For RR1, 4 & 5 : Mr.R.S.Selvam
Government Advocate

For RR2 & 3 : Mr.C.Munusamy
Special Government Pleader (Edn.)

O R D E R

By consent of both parties, the writ petition is disposed of at the stage of admission itself.

2. The prayer sought for in this Writ Petition is for issuance of a Writ of Mandamus, directing the 1st respondent to immediately complete the enquiry and pass orders on the petitioner's appeal cum complaint to cancel the legal heir certificate made in Na.Ka.A3/390/2020 dated 22.09.2020 in Complaint No.B1/891/2020 dated 22.09.2020 within short time limit.

3. The petitioner is the legally wedded wife of deceased Rajendran and their marriage had taken place after the death of Rajendran's first wife in the year 2006 and a girl child was born out of their wedlock and that now she is aged about 13 years. The deceased Rajendran through his first wife had two children, who are the sixth and seventh respondents herein. The said Rajendran died on 11.09.2020. After his death, the sixth and seventh respondents have obtained legal heir certificate on 15.09.2020, in which the petitioner's name and her daughter's name were not included. Hence, she gave a representation dated 17.09.2020 to the fourth respondent requesting him not to issue the legal heir certificate to the sixth and seventh respondents. The fourth respondent had informed that he had already issued legal heir certificate to the sixth and seventh respondents. In this regard, the petitioner gave representation dated 17.09.2020 to the second and third respondents requesting them not to disburse the terminal benefits of her husband to the sixth and seventh respondents, who in turn, had orally informed to approach the first respondent for cancellation of the legal heir certificate issued in favour of the sixth and seventh respondents. Thereafter, the petitioner filed appeal cum complaint dated 22.09.2020 to the first respondent to conduct enquiry and cancel the legal heir certificate. The first respondent had directed the fifth respondent to submit the report. But so far, there is no progress. Hence, the present writ petition has been filed.

4. Heard both sides and perused the materials available on record.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the

first respondent to consider the petitioner's appeal cum complaint dated 22.09.2020, enquire into the same, after obtaining a report from the fifth respondent forthwith, and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner, as well as the sixth and seventh respondents herein and by affording them an opportunity of personal hearing or virtual hearing or otherwise considering their written objections and after verifying the relevant documents, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi/asr
To

- 1.The Revenue Divisional Officer,
Gudiyatham,
Office of Revenue Divisional Officer,
Gudiyatham, Vellore District.
 - 2.The Regional Educational Officer,
Office of the Regional Educational Office,
KV Kupam, Vellore District.
 - 3.The District Educational Officer,
Vellore District.
 - 4.The Tahsildar,
KV Kupam, Office of Tahsildar,
Vellore District.
 - 5.The Revenue Inspector,
KV Kupam, Vellore District.
- +1 cc to M/s.S.Venkatesh, Advocate Sr.No. 34238
+1 cc to The Government Pleader, Sr.No. 34659

W.P.No.14914 of 2020

KK (CO)
RMP (24/11/2020)