

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.17707 of 2020

S.Nalini

..Petitioner

Vs.

The Tahsildar,
Vembakkam Taluk,
Office of the Vembakkam Taluk,
Tiruvannamalai District - 604 410.

..Respondent

PRAYER: The Writ Petition has been filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondent Tahsildar, Vembakkam, to consider the petitioner's representation dated 16.09.2020 within a stipulated time fixed by this Court and consequently, to direct the respondent Tahsildar, Vembakkam, to issue legal heir certificate of the petitioner's deceased husband P.Sivakumar in favour of the petitioner.

For Petitioner : Mr.R.Anandha Babu
For Respondent : Mr.P.V.Selvakumar

O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Mandamus to direct the respondent to consider the petitioner's representation dated 16.09.2020 within a stipulated time that may be fixed by this Court and consequently, to direct the respondent to issue legal heir certificate of the petitioner's deceased husband P.Sivakumar in favour of the petitioner.

2. The learned counsel for the petitioner submits that the husband of the petitioner died on 22.07.2020 due to his ill-health at Government Hospital, Chengalpattu, leaving behind the petitioner alone as legal heir of the deceased. By evidencing that, the Registrar of Birth and Death of Government Medical College, Chengalpattu, issued a death certificate on 14.08.2020. Accordingly, the respondent Tahsildar, Vembakkam, issued a legal heir certificate No.TN-720200901154 dated 10.09.2020 in the name of the petitioner.

3. The learned counsel for the petitioner further submits that both the petitioner and her husband had already planned to adopt a minor son of the petitioner's elder brother viz., A.Jawahar aged about 15 years for taking care of them and performing all the rituals, duties as legal heir in accordance with the procedures of the Hindu Religious Rites, since they have no children. Therefore, by consent of the parents of the minor son, the petitioner adopted him as per adoption deed dated 11.09.2020 on the file of the Sub Registrar Office, Kalavai. Thereafter, the petitioner had submitted a detailed representation dated 16.09.2020 enclosing all the documents to the respondent to make appropriate changes in the legal heir certificate, which was already issued to the petitioner on 10.09.2020. So far, the respondent has not considered the same. Hence, the petitioner has come before this Court by way of the present Writ Petition.

4. Heard the learned counsel appearing for the petitioner and the respondent.

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 representation, directs the respondent Tahsildar, Vembakkam, to consider the petitioner's representation dated 16.09.2020 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of eight (8) weeks from the date of receipt of a copy of this order.

With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
The Tahsildar,
Vembakkam Taluk,
Office of the Vembakkam Taluk,
Tiruvannamalai District - 604 410.

+2cc to M/s.R.Anandha Babu, Advocate, S.R.No.39757
+1cc to Government Pleader in SR.NO..40093

W.P.No.17707 of 2020

AD(CO)
RV(05/01/2021)