

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2020

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.21300 of 2019

M.Chitra

...Petitioner

Vs

1.The District Collector,
O/o.District Collector,
Singaravellar Maligai,
Chennai.

2.The Thasildhar,
O/o.Thasildhar,
T.Nagar,
Guindy T.K.,
Chennai- 600 078.

... Respondents

PRAYER Writ Petition filed under Article 226 of The Constitution of India, to issue Writ of Mandamus or any other appropriate writ, direction, or order directing the respondents to consider the petitioner's representation dated 19.06.2019 and further other orders deem fit and necessary of the fact and circumstances of the case.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondents : Mr.N.Inbanathan
Additional Government Pleader

O R D E R

The Writ Petition has been filed in the nature of Mandamus to consider the representation of the petitioner dated 19.06.2019.

2 The petitioner M.Chitra, claims to be the first wife of late Murugan, whom she married in the year 1982, and who died unfortunately on 05.09.2013. She claims that she has three sons namely M.Vasantha Raj, M.Anandaraaj and M.Nirmal Raj. However, one Tmt.Chandra has laid a claim that she is also the wife of late Murugan. The petitioner claims that Chandra is the second

wife of Murugan. Through Chandra a daughter viz. Selvi.M.Vijayalakshmi was born. After the death of Murugan, the petitioner had applied for Legal Heirship certificate. The Legal Heirs certificate has been issued by the Thasildar, Mambalam, Guindy Taluk. In the said Legal Heirship certificate the Legal Heirs have been stated as follows:

Sl.No	Name of the Legal Heirs	Relationship
1	Tmt.M.Chandra	Second Wife
2	M.Vasantharaj	Son of 1 st wife
3	M.Anandaraj	Son of 1 st wife
4	Selvi.M.Vijayalakshmi	Daughter of 2 nd wife

3 The issuance of the said legal heirship certificate has led to the filing of the present Writ Petition.

4 The petitioner herein is aggrieved that her name has been completely omitted and that apart, her third son M.Nirmal Raj's name has also been omitted. Thus it is stated that the legal heirship certificate dated 25.09.2014 has been erroneously.

5 Tmt.V.Goundhi, Thasildhar, Guindy Taluk, Chennai 600 032, is personally present before this Court today.

6 The Officer stated that the Legal Heirs certificate issued by the then Thasildar, Mambalam, Guindy Taluk can be cancelled only by the Revenue Divisional Officer Chennai, South Sub-Division, Guindy. It is also stated that the file pertaining to the legal heir certificate has to be transmitted by the erstwhile Mambalam, Guindy Taluk Office, to the office of the Thasildar, Mambalam, Guindy.

7 This Court has to necessarily cancel the legal heirship certificate, which was issued to Chandra.

8 In view of the said facts, this Court is of the view that it would only be appropriate to direct the petitioner M.Chitra to give a fresh representation on or before 31.01.2020 to the Thasildar, Guindy, Chennai, seeking legal heirship certificate of her husband late M.Murugan. On receipt of such representation, the Thasildar, Guindy is to issue notice to M.Chitra, the petitioner herein and also to M.Chandra, the second wife of M.Murugan and conduct an enquiry and thereafter, issue a fresh Legal Heirs Certificate. At any rate, the entire process must be completed on or before 15.03.2020.

9 With the above observation, the Writ Petition stands disposed of. No costs

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

sbn

To

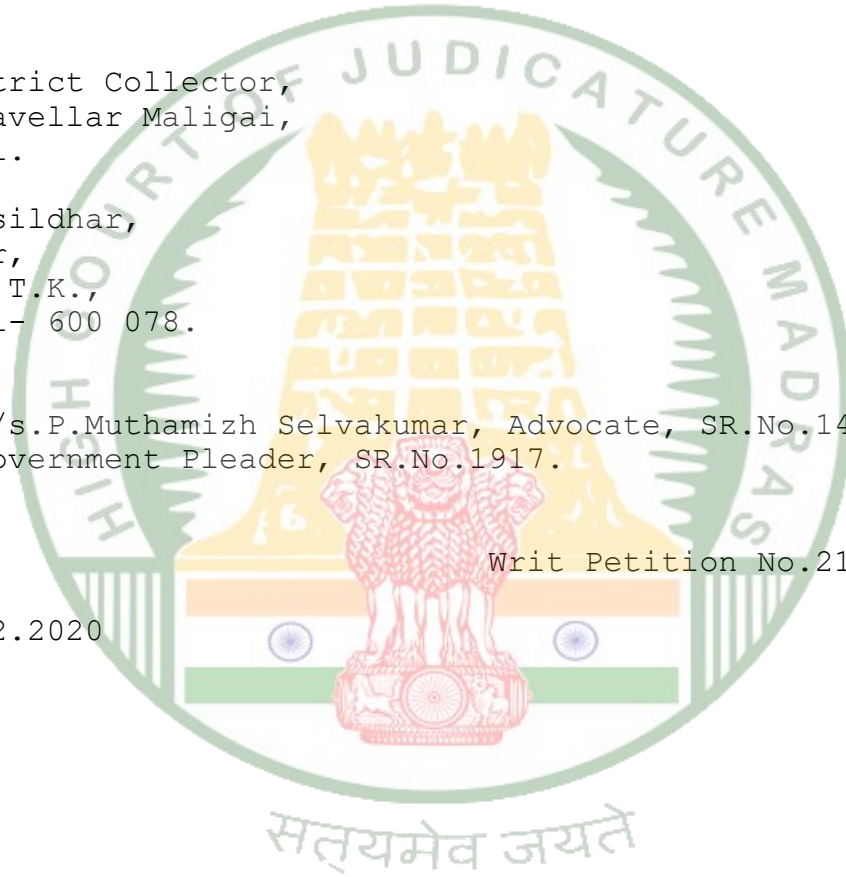
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2.The Thasildhar,
T.Nagar,
Guindy T.K.,
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+1cc to M/s.P.Muthamizh Selvakumar, Advocate, SR.No.1458.
+1cc to Government Pleader, SR.No.1917.

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SSV(CO)
CSR: 18.02.2020



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