

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.12.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.19235 of 2020
and
W.M.P.No.23823 of 2020
(Heard through VC)

Mary Johnsi Lawrence .. Petitioner

-vs-

1.The Revenue Divisional Officer,
Thiruvottiyur High Road,
Tondiarpet, Tondiarpet Taluk,
Chennai - 600 081.

2.The Tahsildar,
Perambur Taluk Office,
Perambur,
Chennai - 600 011.

3.D.Vijaya

4.The Head Master,
Panchayat Union Middle School,
Pererapperi,
Vellore District,
Vellore - 632 001.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the first respondent to conduct a detailed enquiry pertaining to the alleged legal heir certificate and to cancel the legal heir certificate No.TN-7202009082222 which was issued to the third respondent by the second respondent and to issue the legal heir certificate in favour of the petitioner.

For Petitioner : Mr.M.Velmurugan

For RR1 & 2 : Mr.V.Shanmugasundar
Special Government Pleader

For R4 : Mr.C.Munusamy
Special Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to the first respondent to conduct a detailed enquiry pertaining to the alleged legal heir certificate and to cancel the legal heir certificate No.TN-7202009082222, which was issued to the third respondent by the second respondent and to issue the legal heir certificate in favour of the petitioner.

2. The petitioner is the legally wedded wife of one Lawrence Suresh Kumar. Out of their wedlock a girl child was born. Due to some misunderstandings, the petitioner and her husband lived separately without any cohabitation. The said separation was not judicial separation. While so, the petitioner's husband died on 14.07.2020. At the time of his demise, he was holding the post of Assistant Headmaster in the fourth respondent's school. When the petitioner contacted the fourth respondent for her late husband's benefits and other claim, she was informed that the third respondent herein had submitted a legal heir certificate and made a false claim as if she is the wife of petitioner's late husband. Thereafter, when the petitioner applied for the legal heir certificate before the second respondent, it was informed that the third respondent was issued with the legal heir certificate on 22.09.2020 in Certificate No.TN-7202009082222. Hence, the petitioner has made a representation dated 05.11.2020 to the second respondent, who in turn, directed the petitioner to give representation to the first respondent. Hence, the petitioner gave a representation/appeal to the first respondent dated 06.11.2020, to cancel the above mentioned legal heir certificate. But, so far, no proper enquiry was conducted by the first respondent in this regard. Hence, this petition.

3. Heard the learned counsel appearing on both sides and perused the materials placed before this Court.

4. 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 dispose of the appeal preferred by the petitioner dated 06.11.2020, conduct an enquiry and pass appropriate orders on merits and in accordance with law, after issuing notice to the petitioner as well as the third respondent herein and also the persons interested in this regard 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 six weeks from the date of receipt of a copy of this order.

5. With the above directions, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

rsi

To

1.The Revenue Divisional Officer,
Thiruvottiyur High Road,
Tondiarpet, Tondiarpet Taluk,
Chennai - 600 081.

2.The Tahsildar,
Perambur Taluk Office,
Perambur,
Chennai - 600 011.

+1 cc to Government Pleader Sr.No.

+1 cc to Government Pleader Sr.No. 41950

+1cc to Mr.M.Velmurugan , Advocate SR.No. 41747

W.P.No.19235 of 2020

A.SK(18.01.2021)

सत्यमेव जयते

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