

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.12.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.NO.19441 OF 2020
(HEARD THROUGH VC)

M.Bagiyalakshmi

.. Petitioner

-vs-

1. The Tahsildar,
Kancheepuram Taluk,
Kancheepuram District.

2. The Revenue Inspector,
Kancheepuram Taluk,
Kancheepuram District.

3. The Village Administrative Officer,
Kancheepuram Town-I,
Kancheepuram Circle,
Kancheepuram District.

... Respondents

Prayer:

Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the first respondent to issue a certificate as M.Bagiyalakshmi and Kairunnisa are one and the same person as per the petitioner representation dated 06.06.2019.

For Petitioner : Mr.K.R.Gunashekar

For Respondents : Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

The writ petition has been filed seeking a direction to the first respondent to issue a certificate as 'M.Bagiyalakshmi and Kairunnisa are one and the same person' as per the petitioner's representation dated 06.06.2019.

2. The petitioner married one Mohamed Zeheruddin in the 1984, out of their wedlock two children were born. The

petitioner's husband retired on 31.07.2006 as a Head Master at Nagavedu Panchayat Union Primary School, Nemili Taluk, Vellore District. When he was alive, he has mentioned the petitioner's name as nominee in the pension book and other allied records as Kairunnisa instead of M.Bagiyalakshmi. Thereafter, her husband converted into Hindu Religion and changed his name as S.Sivaraj. The same was also informed to the Accountant General (A & E) for pension purpose. While so, the petitioner's husband died on 05.01.2019 leaving behind the petitioner and her children as legal heirs. When the petitioner applied for Family Pension before the Accountant General (A&E) Tamil Nadu, the same was rejected vide letter dated 06.06.2019 for the reasons that the petitioner shall obtain a certificate from the revenue authorities stating that M.Bagiyalakshmi and Kairunnisa are one and the same. In this regard, the petitioner has made a representation to the first respondent, who in turn, had forwarded the application to the second respondent. The second respondent after due enquiry found that M.Bagiyalakshmi and Kairunnisa are one and the same person and submitted a report dated 24.08.2019 to the first respondent. Even after receipt of the said report, the first respondent did not issue any certificate as requested by the petitioner till date. Hence, this petition.

3. Heard the learned counsel appearing on both sides and perused the materials available on record.

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 consider the representation of the petitioner dated 06.06.2019, enquire into the same 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 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.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Tahsildar,
Kancheepuram Taluk,
Kancheepuram District.
2. The Revenue Inspector,
Kancheepuram Taluk,
Kancheepuram District.
3. The Village Administrative Officer,
Kancheepuram Town-I,
Kancheepuram Circle,
Kancheepuram District.

+1cc to Mr.K.R.Gunashekar, Advocate, S.R.No.42370

W.P.No.19441 of 2020

CS/20/01/2021



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