

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.12.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.11658 of 2017  
and  
W.M.P.No.12680 of 2017  
(Heard through VC)

Ms.R.Priyadarshini

.. Petitioner

-vs-

1. The State of Tamil Nadu,  
Rep. by the Principal Secretary to Government,  
Home Department,  
Secretariat, Fort St. George,  
Chennai - 600 009.
2. The Director General of Police,  
Dr.Radhakrishnan Salai,  
Mylapore, Chennai - 600 004.
3. The Revenue Divisional Officer,  
Tambaram, Chennai.
4. The Tahsildar,  
Sozhinganallur Taluk,  
Chennai - 600 119.
5. R.Bhagya Devi
6. Kaviya

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the 3<sup>rd</sup> respondent to complete the enquiry in proceedings No.Na.Ka.533/2017E dated 17.04.2017 in accordance with law after affording due opportunity to the parties.

For Petitioner : Mr.K.R.Ramesh Kumar

For RR1 to 4 : Mr.M.D.Ilayaraja  
Government Advocate

For R5 : Ms.R.Vaigai, Senior Counsel  
For Ms.Anna Mathew

For R6 : Served - No appearance

## O R D E R

The relief sought for in this writ petition is for a direction to the third respondent to complete the enquiry in proceedings No.Na.Ka.533/2017E dated 17.04.2017 in accordance with law after affording due opportunity to the parties.

2. The petitioner is the daughter of the first wife of late S.Rajendran, who retired as Additional Director General of Police, Tamil Nadu Police Department, Chennai. The fifth respondent is the second wife of the petitioner's father and sixth respondent is the child born to the petitioner's father and the fifth respondent. The petitioner's father died on 25.09.2016. The fifth and sixth respondents have obtained the legal heirship certificate suppressing the fact that the petitioner is the daughter born through the first wife and they are trying to get retirement benefits of the petitioner's father. In this regard, the petitioner has sent a detailed representation to the fourth respondent on 05.01.2017. Pursuant to the petitioner's representation, an enquiry was initiated by the third respondent in proceedings No.Na.Ka.533/2017E dated 17.04.2017. As there was no progress, the petitioner is before this Court.

3. When the matter is taken up for hearing, it is represented by the learned counsel for the petitioner that the third respondent-Revenue Divisional Officer to whom the mandamus is sought for, has already passed an order on 10.05.2019 directing the fourth respondent to consider the representation and pass orders, after enquiring the petitioner as well as the respondents 5 and 6.

4. As the Legal Heirship Certificate was being considered for the purpose of availing retirement benefits of the deceased, earlier this Court, on 07.05.2017, had granted an order of interim injunction.

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

6. 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 fourth respondent, before whom the parties are now, to consider the question of legal heirship, enquire into the same and pass appropriate orders subject to satisfaction, on merits and in accordance with law, after issuing notice to the petitioner as well as the respondents 5 and 6 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 four weeks from the date of receipt of a copy of this order. Till such time the above enquiry is completed, parties are directed to maintain status-quo.

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

Sd/-

Assistant Registrar

//True Copy//

rsi  
To

Sub Assistant Registrar

1. The Principal Secretary to Government,  
State of Tamil Nadu,  
Home Department,  
Secretariat, Fort St. George,  
Chennai - 600 009.
2. The Director General of Police,  
Dr.Radhakrishnan Salai,  
Mylapore, Chennai - 600 004.
3. The Revenue Divisional Officer,  
Tambaram, Chennai.
4. The Tahsildar,  
Sozhinganallur Taluk,  
Chennai - 600 119.

+1cc to Mr.K.R.Ramesh Kumar, Advocate, S.R.No.42324  
+1cc to M/s.Anna Mathew, Advocate, S.R.No.42192  
+1cc to the Government Pleader, S.R.No.42626

W.P.No.11658 of 2017  
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gpl (CO)  
rv(19/01/2021)

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