

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2020

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.18824 of 2017

P.Malarkodi

...

Petitioner

Vs.

1.The District Collector,
Salem District,
Salem.

2.The Revenue Tahsildar,
Sangagiri Taluk Office,
Sangagiri Taluk,
Salem District.

...

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a writ of mandamus directing the second respondent herein to include the name of the petitioner as one of the legal heir of Late.Paramasivam by considering the petitioner's representation dated 04.05.2017.

For Petitioner : Mr.S.Vijayakumar

For Respondent : Mr.R.S.Selvam,
Government Advocate

सत्यमेव जयते
O R D E R

This writ petition has been filed for a mandamus seeking for a direction to the second respondent to include the petitioner's name as one of the legal heirs of the late Paramasivam by considering the petitioner's representation dated 04.05.2017.

2. It is the case of the petitioner that she is the legally wedded wife of late Paramasivam. According to her, she is the second wife of late Paramasivam having got married after the death of the first wife Ranjitham. It is her case that her

husband died on 31.12.2016. According to her, the second respondent has issued a legal heirship certificate for her husband late Paramasivam on 10.03.2017 omitting her name as his legal heir. It is her case that she sent a representation to the second respondent on 04.05.2017 through a registered post with acknowledgement due to include her name in the legal heirship certificate. According to her, despite the representation, till date, the second respondent has not included her name as a legal heir of her deceased husband Paramasivam. In such circumstance, this writ petition has been filed for a mandamus seeking for a direction to direct the second respondent to include the name of the petitioner as one of the legal heirs of the late Paramasivam by considering the petitioner's representation dated 04.05.2017.

3. Heard Mr.S.Vijayakumar, learned counsel for the petitioner and Mr.R.S.Selvam, learned counsel for the respondents.

4. As seen from the nomination for Death Cum Retirement Gratuity which was found in the typed set of papers, it discloses that the petitioner is the wife of late R.Paramasivam. But the legal heirship certificate dated 07.03.2017 issued by the second respondent discloses that the children of Paramasivam both through his first wife as well as through his second wife who is the petitioner herein are the only heirs, omitting the name of the petitioner as the legal heir. The confirmation deed dated 22.03.2017 executed by the children of the late Paramasivam have also confirmed that they have no objection for the petitioner to receive the family pension of the late Paramasivam.

5. Admittedly, till date, the representation dated 04.05.2017 sent by the petitioner to the second respondent seeking to include her as one of the legal heirs of the late paramasivam has not been considered by the second respondent. According to the learned counsel for the petitioner, the documents referred to above were also furnished to the second respondent by the petitioner along with her representation dated 04.05.2017.

6. For the foregoing reasons, since the representation has not been considered, this Court directs the second respondent to dispose of the representation dated 04.05.2017 sent by the petitioner seeking to include her name as one of the legal heirs of the late Paramasivam within a period of eight weeks from the date of receipt of a copy of this Order, after duly considering the documents filed by the petitioner to substantiate her case that she is a legal heir of the late Paramasivam.

7. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

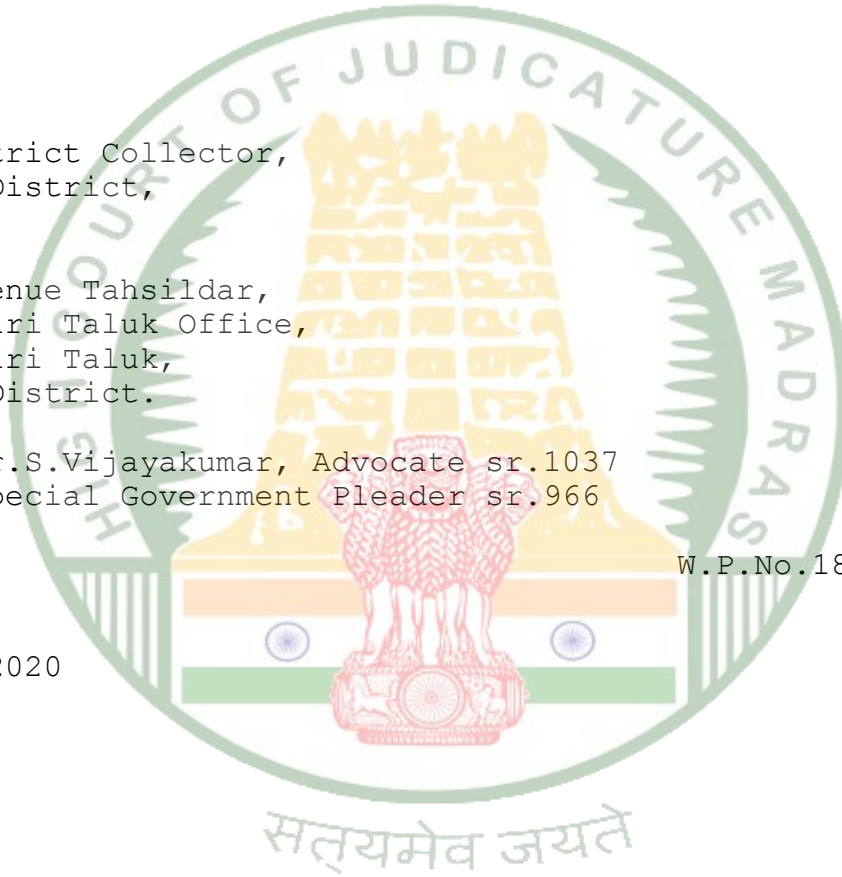
1.The District Collector,
Salem District,
Salem.

2.The Revenue Tahsildar,
Sangagiri Taluk Office,
Sangagiri Taluk,
Salem District.

+1cc to Mr.S.Vijayakumar, Advocate sr.1037
+1cc to Special Government Pleader sr.966

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