



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2020

CORAM:

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.13848 of 2020

Fathima Begum

... Petitioner

Vs.

1) The District Collector,
Theni District, Theni.

2) The Tahsildar,
Tahsildar Office,
Andipatti Taluk,
Theni District.

3) Mahalakshmi

4) S.P.Ramdhilipan

5) S.P.Aathitha Karikalan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 2nd respondent to issue the legal heir certificate of deceased Parthasarathy, include with petitioner's name and her daughter Abirami's name along with the respondent nos.3 to 5 name by considering the petitioner's representation dated 02.09.2020 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Sathish Kumar

For Respondents : Mr.C.Ramar,
1 & 2 Additional Government Pleader.

O R D E R

This Writ Petition has been filed for a Mandamus, seeking for a direction to the second respondent to issue Legal Heirship certificate for the deceased Parthasarathy, which includes the name of the petitioner and her daughter Abirami along with the respondent



2. Heard Mr.K.Sathish Kumar, learned counsel appearing for the petitioner and Mr.C.Ramar, learned Additional Government Pleader appearing for the respondents 1 & 2.

3. The petitioner claims that, she is the wife of the deceased Parthasarathy. According to the petitioner, Parthasarathy, is her husband and he died on 16.04.2020 due to illness. It is her contention that, the petitioner and her daughter Abirami along with the respondent nos.3 to 5 are the legal heirs of the deceased Parthasarathy.

4. According to the learned counsel appearing for the petitioner, the petitioner applied for Legal Heirship certificate for the deceased Parthasarathy on 02.09.2020 before the second respondent. Even though the said application was made on 02.09.2020, till date, the same has not been considered by the second respondent. Aggrieved over the same, the petitioner has filed the present writ petition.

5. Mr.C.Ramar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2, would submit that, the petitioner is the second wife of the deceased Parthasarathy, and that is the reason for not considering the petitioner's application, dated 02.09.2020 for issuance of Legal Heirship certificate for the deceased Parthasarathy.

6. It is an admitted fact that, the petitioner has given a representation on 02.09.2020 for issuance of Legal Heirship certificate for the deceased Parthasarathy, which shall include the name of the petitioner, her daughter Abirami and respondent nos.3 to 5 as the legal heirs of the deceased Parthasarathy. It is also an admitted fact that, till date, the said representation has not been considered by the second respondent. In such circumstances, this Court is of the considered view that, no prejudice would be caused to the respondents, if the representation dated 02.09.2020, submitted by the petitioner, is duly considered by the second respondent on merits and in accordance with law.

7. Therefore, this Court is disposing of this writ petition by passing the following orders:-

" the second respondent is directed to consider the representation, dated 02.09.2020 given by the petitioner for issuance of Legal Heirship certificate for the deceased Parthasarathy, who died on 16.04.2020 and pass final orders on merits and in accordance with law within a period of eight(08) weeks from the date of receipt of a copy of this order."



8. With the aforesaid direction, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1) The District Collector,
Theni District,
Theni.
- 2) The Tahsildar,
Tahsildar Office,
Andipatti Taluk,
Theni District.

+1 CC to M/s.Special Govt.Pleader (SR-19450[F] dated 08/10/2020)

Order made in
W.P. (MD) No.13848 of 2020
Dated: **07.10.2020**

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SDS (21.10.2020) 3P-4C