



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.18720 of 2020

(Through Video Conference)

WEB COPY

Karpagammal

... Petitioner

Vs.

1) The District Collector,
Office of the Collectorate,
Tenkasi District.

2) The Tahsildar,
Taluk Office, Sankarankovil Taluk,
Tenkasi District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to issue the Legal Heir Certificate of Late.Theivanai, who is the adopted mother of petitioner based on considering the petitioner's representation dated 14.03.2020.

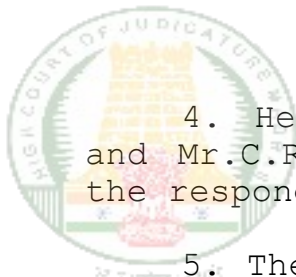
For Petitioner	: Mr.V.Muthuvelan
For Respondents	: Mr.C.Ramesh, Special Government Pleader

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 Heir Certificate of Late.Theivanai, who is the adopted mother of petitioner, based on the petitioner's representation dated 14.03.2020 within a time frame to be fixed by this Court.

2. Mr.C.Ramesh, learned Special Government Pleader accepts notice for the respondents. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the case of the petitioner that she is the adopted daughter of Late.Theivanai, who died on 11.12.1999. According to her, she is the only legal heir of Late.Theivanai. She has applied for legal heirship certificate for Late.Theivanai with the second respondent. She has also given representations on 14.03.2020 & 19.10.2020 requesting the respondents to issue legal heirship certificate to Late.Theivanai. It is her further case, that till date, the application for issuance of legal heirship certificate has not been considered by the respondents. In such circumstances, this writ petition has been filed.



4. Heard Mr.V.Muthuvelan, learned counsel for the petitioner and Mr.C.Ramesh, learned Special Government Pleader appearing for the respondents.

5. The relief sought for in this writ petition is an innocuous relief. The petitioner claims that she is the adopted daughter of Late.Theivanai, who died on 11.12.1999. She has applied for legal heirship certificate from the respondents for Late.Theivanai, . It is her case that till date, her application for legal heirship certificate has not been considered by the respondents. She has also given representations on 14.03.2020 and 19.10.2020 to the respondents requesting them for the issuance of legal heirship certificate. Admittedly, till date, the said representations have not been considered by the respondents. No prejudice would be caused to the respondents, if the representations of the petitioner dated 14.03.2020 and 19.10.2020 seeking for issuance of legal heirship certificate to Late.Theivanai, is considered on merits and in accordance with law.

6. For the forgoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 19.11.2020 seeking for issuance of legal heirship certificate in her favour and pass final orders on merits and in accordance with law, after examining all the relevant records and also after affording sufficient opportunity to the petitioner and other necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, this writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Office of the Collectorate,
Tenkasi District.



2) The Tahsildar,
Taluk Office, Sankarankovil Taluk,
Tenkasi District.

+1CC to M/s.SPL GP,SR.No.26721 dated 21/12/2020

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PU (CO)
KB (08.01.2021) 3P 4C