

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.1690 of 2021

N.Haseena

... Petitioner

Vs

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. The Revenue Divisional Officer,
Kancheepuram District,
Kancheepuram.

3. The Tahsildar,
Kancheepuram Taluk,
Kancheepuram.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 3rd respondent to consider the petitioner's representation dated 28.11.2020 for issuing a fresh Legal heirship Certificate of Shahinaby showing the names of the petitioner and her brother names alone as the only legal heirs of the deceased and deleting the name of Nagaraj @ Nasar who is father of the petitioner.

For petitioner ... Mr.R.Madhanraj

For respondents ... Mr. K.Parameswaran
Government Advocate

ORDER

Heard Mr.R.Madhanraj, learned counsel for the petitioner and Mr.K.Parameswaran, learned Government Advocate accepts notice for the respondents 1 to 3.

2. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

3. This writ petition has been filed for a Mandamus seeking for a direction to the 3rd respondent to consider the petitioner's representation, dated 28.11.2020 seeking for issuance of fresh Legal Heirship certificate for Shahina by showing the names of the petitioner and her brother alone as the only Legal Heirs of the deceased and delete the name of the Nagaraj @ Nasar, who is the father of the petitioner within a time frame to be fixed by this Court.

4. It is the case of the petitioner that illegally Nagaraj @ Nasar the petitioner's father had obtained a Legal Heirship certificate dated 14.02.2018 from the 3rd respondent including his name also as one of the Legal Heirs for the deceased Shahina, who is the petitioner's mother. According to the petitioner, her mother by name Shahina, died on 02.04.2017. It is the case of the petitioner that Nagaraj @ Nasar, who was the husband of deceased Shahina cannot be treated as Legal Heir, since he left the mother long time back and also belongs to Hindu religion and he also got married to another woman. According to the petitioner, the said Nagaraj @ Nasar, committed the act of bigamy and cannot be considered to be the Legal Heir of the deceased Shahina. According to the petitioner, at the time of issuance of Legal Heirship certificate, dated 14.02.2018 by the 3rd respondent, the petitioner and her brother were minors and hence they were not in a position to contest the claim of Nagaraj @ Nasar. On attaining majority, the petitioner has given a representation to the respondents on 28.11.2020 seeking for issuance of fresh Legal Heirship Certificate for Shahina, deleting the name of Nagaraj @ Nasar as one of the Legal Heirs of the deceased Shahina.

5. It is the case of the petitioner that till date, the said representation has not been considered. In such circumstances, this writ petition has been filed.

6. The relief sought for in this writ petition is an innocuous one. The petitioner claims that the Legal Heirship Certificate dated 14.02.2018 issued by the 3rd respondent, which includes the name of Nagaraj @ Nasar as one of the Legal Heirs of the deceased Shahina has been issued not in accordance with law. According to her, Nagaraj @ Nasar belongs to Hindu religion and during the life time of the petitioner's deceased mother Shahina, her father married another lady and has committed the Act of bigamy. Hence, the petitioner has submitted a fresh representation seeking for issuance of Legal Heir Certificate for the deceased Shahina, by deleting the name of Nagaraj @ Nasar as one of her Legal Heirs. Admittedly, the said representation has not been considered by the respondents till date. No prejudice would be caused to the respondents, if the representation of the petitioner is considered on merits, after hearing the other necessary parties including Nagaraj @

Nasar.

7. For the foregoing reasons, this Court directs the 3rd respondent to consider the petitioner's representation dated 28.11.2020 seeking for issuance of Legal Heirship Certificate for Shahina by showing the name of the petitioner and her brother alone as Legal Heirs of the deceased and by deleting the name of Nagaraj @ Nasar, who is the father of the petitioner and pass final orders on merits and in accordance with law, after hearing the petitioner and other necessary parties including Nagaraj @ Nasar, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. The Revenue Divisional Officer,
Kancheepuram District,
Kancheepuram.

3. The Tahsildar,
Kancheepuram Taluk,
Kancheepuram.

+1 cc to M/s.G.Ramachandiran, Advocate Sr.No. 5025

+1cc to The Government Pleader, Sr.No. 5094

W.P. No.1690 of 2021

SRA(CO)

RMP(23/02/2021)