



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.07.2021

Coram

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 30289 of 2012

J.Rajeswari

..Petitioner

Versus

1. The Collector of Chennai,
Collectorate Office,
Chennai.
2. The Tahsildar,
Mylapore - Triplicane Taluk,
Greenways Road, Chennai - 28.
3. K.Indira

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to consider the petitioner's representation made before the second respondent dated 21.06.2012, 31.08.2012 and 22.10.2012.

For Petitioner : Mr. P. Muthu Mohan

For Respondents - 1 & 2 : Mr. Stalin Abimanyu,
Government Advocate

ORDER

The present writ petition has been filed by the petitioner seeking to issue a Writ of Mandamus directing the second respondent to consider her representations dated 21.06.2012, 31.08.2012 and 22.10.2012.

2. It is stated that the property situated in S.Nos.1741/4 & 1741/1, Block No.37, Triplicane Block, Mylapore originally

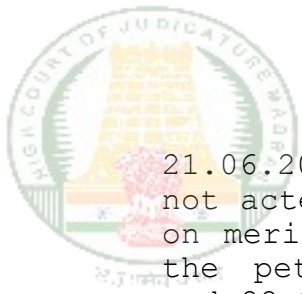


belongs to the petitioner's mother Indiraniammal. On 24.10.1979, the said Indiraniammal executed a Settlement Deed in favour of her husband Mr.Munusamy (petitioner's father) and the same was registered as Document No.1804/79 on the file of the SRO, Mylapore, Chennai - 4. Thereafter, the said Munusamy (petitioner's father) executed 50% share of the aforesaid property in favour of his only daughter/petitioner vide Settlement Deed dated 14.02.2001 and the same was registered as Document No.456/2001 on the file of the SRO, Mylapore, Chennai - 4. Thereafter, the petitioner's father Munusamy died on 16.12.2003 and after his death, the petitioner's mother Indiraniammal cancelled the Settlement Deed which she executed in favour her husband Munusamy and thereafter, executed the remaining 50% share of the said property in favour of her only daughter (petitioner) vide Settlement Deed dated 08.03.2012 which was registered as Document No.587/2012 on the file of the SRO, Mylapore, Chennai - 4. Subsequently, the petitioner executed a Settlement Deed dated 29.03.2012 in favour of her husband Mr.G.Jayaram vide Document No.774/2012 on the file of the SRO, Mylapore, Chennai - 4. While so, the third respondent/wife of one Mr.Kannan claimed that her husband Mr.Kannan is one of the legal heirs of the deceased Munusamy (petitioner's father) and the deceased Munusamy had executed a will in favour her husband Mr.Kannan. Further, by producing the said invalid will as a proof before the second respondent, the third respondent had obtained a Legal Heir Certificate, as if her husband Mr.Kannan is one of the legal heirs of the deceased Munusamy (petitioner's father).

3. According to the petitioner, she is the only legal heir of her deceased father Munusamy. The third respondent had obtained the legal heir certificate by fraud. Further, the legal heir certificate has been issued without hearing the petitioner's objection. Therefore, the petitioner gave a representation to the second respondent on 21.06.2012 followed by two representations made to the Hon'ble Chief Minister's Grievance Cell on 31.08.2012 and 22.10.2012 respectively. However, till date, no action has been taken on her representations. Hence, the petitioner has filed the present writ petition before this Court.

4. Heard the learned counsel on both sides and perused the materials placed before this Court.

5. It is claimed by the petitioner that she is the only daughter born to his father and the claim of the third respondent is spurious. It is also stated that the legal heir certificate has been obtained by the third respondent and before issuing such certificate, the objection of the petitioner was not heard. The petitioner also submitted representations on



21.06.2012, 31.08.2012 and 22.10.2012 respectively but they were not acted upon. Having regard to the above, without any opinion on merits, this Court directs the second respondent to consider the petitioner's representations dated 21.06.2012, 31.08.2012 and 22.10.2012, if the same were not considered earlier and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, preferably, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity to the petitioner and the third respondent or any others concerned.

6. This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS-III)

// True Copy//

Sub Assistant Registrar

mrr/rsh

To

1. The Collector of Chennai,
Collectorate Office,
Chennai.
2. The Tahsildar,
Mylapore - Triplicane Taluk,
Greenways Road, Chennai - 28.

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MG(CO)
SU(07/09/2021)