

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2021

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.7151 of 2021

S.Sivabakkiam

... Petitioner

Vs.

1. The Tahsildar,
Taluk Office (New),
Velacherry, Chennai - 600 042.

2. Revenue Inspector (Taramani),
Taluk Office (New),
Velacherry, Chennai - 600 042.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to process the application No.TN720201002529 further and issue a legal heir certificate including petitioner name as a legal heir of the deceased husband M.Subbiah within a stipulated period as fixed by this Court.

For Petitioner :Mr.R.Ezhilarasan,
for Mr.Gouthar Un Nissa

For Respondents :Mr.K.Parameshwaran
Government Advocate

O R D E R

This writ petition has been filed for a mandamus seeking for a direction to the first respondent to consider the petitioner's application seeking for issuance of legal heirship certificate for her deceased husband M.Subbaiah who died on 27.02.2018 and pass final orders within a time frame to be fixed by this Court.

2. Mr.K.Parameshwaran, learned Government Advocate accepts notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final disposal at the time of admission itself.

3. The case of the petitioner is that only after the death of S.Poonchendu, the first wife of M.Subbaiah on 07.07.1983, she married M.Subbaiah on 09.12.1983 who died on 27.02.2018. It is the case of the petitioner that S.Poonchendu is none else than her own sister. According to the petitioner, after the death of her husband M.Subbaiah, the petitioner has applied for legal heirship certificate with the first respondent on 14.12.2020. However, the same was rejected on the ground that the petitioner had wrongly mentioned the date of death of her son instead of her husband M.Subbaiah in the application and hence, the petitioner was advised to reapply. Thereafter, the petitioner has reapplied for her deceased husband's death certificate on 17.02.2021. According to the petitioner, the first respondent is refusing to consider her application, since she is the second wife of her husband M.Subbaiah who died on 27.02.2018. According to her, she is a legally wedded wife of M.Subbaiah as she married him only after the death of his first wife who died on 07.07.1983.

4. Admittedly, the petitioner's application seeking for legal heirship certificate for her deceased husband has not been considered till date. No prejudice will be caused to the respondents, if the petitioner's application is considered on merits and in accordance with law after hearing all the necessary parties including other legal heirs of the deceased M.Subbaiah.

5. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's application seeking for issuance of legal heirship certificate for her deceased husband M.Subbaiah who died on 27.02.2018 and pass final orders on merits and in accordance with law after hearing all the necessary parties including the petitioner as well as other legal heirs within a period of twelve weeks from the date of receipt of a copy of this Order.

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

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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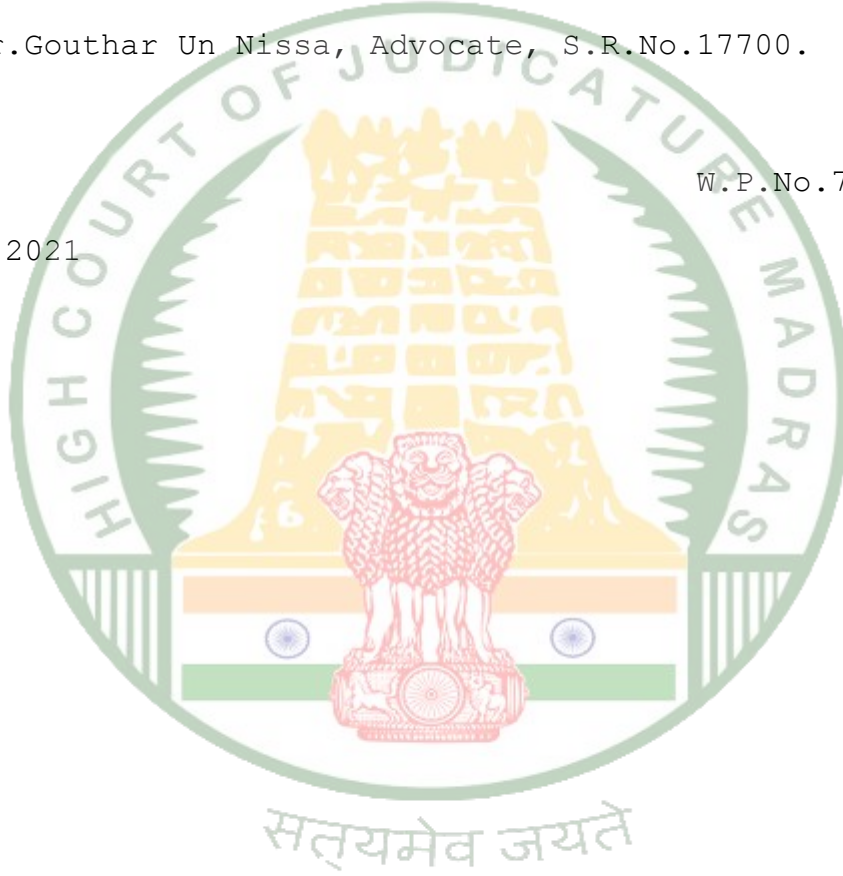
To

1. The Tahsildar,
Taluk Office (New),
Velacherry,
Chennai - 600 042.
2. Revenue Inspector (Taramani),
Taluk Office (New),
Velacherry,
Chennai - 600 042.

+2cc to Mr.Gouthar Un Nissa, Advocate, S.R.No.17700.

SKY (CO)
CSR 08.04.2021

W.P.No.7151 of 2021



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