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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.07.2021

Coram

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 8547 of 2021

K. Anjugam

...Petitioner

Versus

1. The Revenue Divisional Officer
Mettur, Salem District.

2. The Tahsildar,
Mettur Taluk Office,
Salem District.

3. Seerangan

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to dispose the petitioner's representation dated 15.03.2021 and include the petitioner's name in the legal heir certificate of the deceased Pappathiammal wife of Seerangan in Certificate Number - 7202012232372 dated 26.12.2020 issued by the second respondent.

For Petitioner : Mr. V. Elangovan

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

Respondent - 3 : Mr.S.Arokia Maniraj

O R D E R

Mr. Stalin Abimanyu, learned Government Advocate takes notice for the respondents 1 & 2 and Mr. S. Arokia Maniraj, learned counsel takes notice for the third respondent. With the consent of both sides, this writ petition is taken up for final disposal.



2. The present writ petition has been filed by the petitioner seeking to issue a Writ of Mandamus directing the respondents to dispose her representation dated 15.03.2021 and include her name in the legal heir certificate of her mother deceased Pappathiammal wife of Seerangan in Certificate Number - 7202012232372 dated 26.12.2020 issued by the second respondent.

3. The case of the petitioner is that her mother Pappathiammal died on 03.03.2020 and subsequent to the death of her mother, her two brothers and three sisters had submitted an Application Form before the second respondent, for obtaining Legal Heirship Certificate. In the said application form, her siblings did not include her name as one of the legal heirs of deceased Pappathiammal. According to the petitioner, they willfully omitted her name to projected as if they are the only legal heirs of the deceased Pappathiammal with the intention to share the family property among themselves without providing any lawful share to her. The second respondent also, without conducting any proper enquiry, issued the Legal Heirship Certificate dated 26.12.2020. On coming to know about the same, the petitioner made representation to the second respondent in person, on 08.01.2021 and 17.02.2021 respectively, however, no action was taken on the said representations. Thereafter, she gave a representation to the first respondent on 15.03.2021 but till date no steps have been taken by the first respondent. Hence, left with no other option, 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. The petitioner claims to be one of the daughters born to deceased Pappathiammal and therefore, she ought to have been included in the legal heir certificate issued by the second respondent at the instance of her brothers and sisters. It is also the grievance of the petitioner that the second respondent, without conducting any enquiry, has issued the legal heir certificate by excluding her name. In this regard, the petitioner submitted representations to the second respondent but they were not acted upon. In such view of the matter, this Court, without going into the merits of the case, directs the second respondent to consider the petitioner's representation dated 15.03.2021 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 of personal hearing to the petitioner as well as the other legal heirs of the deceased Pappathiammal.



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6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mrr/rsh

To

1. The Revenue Divisional Officer,
Mettur, Salem District.

2. The Tahsildar,
Mettur Taluk Office,
Salem District.

+1 CC to Mr.v.Elangovan, Advocate, Sr 36218.

+1 CC to Mr.S.Arokia Maniraj, Advocate, Sr 36314.

+1 CC to The Government Pleader, Sr 36935.

WP No. 8547 of 2021

NRL(CO)
LS(16/09/2021)