



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.09.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 13089 of 2020

Valliyammal

.. Petitioner

Versus

1. The Tahsildar, Mylapore-Triplicane Taluk,
28, Pasumpon Muthuramalinga Salai,
(Near Greenways Railway Station),
Raja annamalaipuram, Chennai 600 028.
2. The Deputy Tahsildar, Mylapore-Triplicane Taluk,
28, Pasumpon Muthuramalinga Salai,
(Near Greenways Railway Station),
Raja annamalaipuram, Chennai 600 028.
3. The Revenue Inspector, Mylapore-Triplicane Taluk,
28, Pasumpon Muthuramalinga Salai,
(Near Greenways Railway Station),
Raja annamalaipuram, Chennai 600 028. .. Respondents

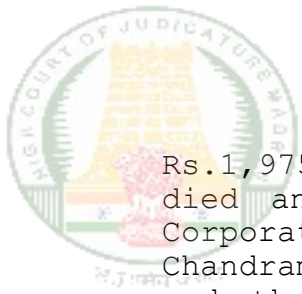
Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the first respondent vide application No.TN-720190528611 dated 08.06.2019 and to quash the same and further direct the first respondent to issue legal heirship certificate to the petitioner and her legal heirs.

For Petitioner	:	Mr.G.Anantarangan
For Respondents	:	Mr. Stalin Abhimanyu
		Government Counsel for R1 and R2

ORDER

This writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus to quash the order dated 08.06.2019 of the first respondent and consequently direct the first respondent to issue legal heir certificate to the petitioner and her legal heirs.

2. The petitioner is the wife of Balakrishnan, who married him in the year 1963. Out of such wedlock, one male and three female children were born. During the year 1971, the petitioner's husband married the petitioner's sister namely Chandrammal and through her, two male and one female children were born. The petitioner's husband was employed as a field worker at Chennai Metropolitan Water Services and Sewage Board and on 30.10.2002, he retired from service and is in receipt of



Rs.1,975/- as pension. On 13.11.2018 the petitioner's husband died and she obtained his death certificate, issued by the Corporation of Chennai. According to the petitioner, Chandrammal, second wife of her husband died even on 19.06.2003 and the same has been registered before the Corporation of Chennai. In such circumstances, the petitioner applied for issuing legal heirship certificate before the first respondent. Though there was no dispute or objection from the children born to the second wife namely Chandrammal, the first respondent rejected the petitioner's application, without conducting proper enquiry. Due to non submission of legal heirship certificate, the petitioner's application for family pension is kept pending by the concerned authorities. Hence this writ petition.

3. Heard the counsels appearing for petitioner and respondents. I have perused the material records.

4. It is an admitted fact that the second wife of Balakrishnan namely Chandrammal died on 19.06.2003 and her death was registered on 07.07.2003 itself. The Corporation Authorities have also issued death certificate of Chandrammal. Further, there is no objection raised by the children born through the second wife Chandrammal. In such circumstances, this court is inclined to quash the impugned order passed by the first respondent.

5. Accordingly, the impugned order dated 08.06.2019 passed by the first respondent is quashed and the matter is remanded back to the first respondent for fresh consideration of the application submitted by the petitioner for issuing legal heir certificate. The first respondent is directed to conduct an enquiry, afford an opportunity of hearing to the petitioner and other interested parties if any, consider the documentary evidence that may be submitted by the petitioner and thereafter pass an order on merits and in accordance with law, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mst/rsh

To

1. The Tahsildar, Mylapore-Triplicane Taluk,
28, Pasumpoon Muthuramalinga Salai,
(Near Greenways Railway Station),
Rajanna malaipuram, Chennai 600 028.



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2. The Deputy Tahsildar, Mylapore-Triplicane Taluk,
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(Near Greenways Railway Station),
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3. The Revenue Inspector, Mylapore-Triplicane Taluk,
28, Pasumpon Muthuramalinga Salai,
(Near Greenways Railway Station),
Raja annamalaipuram, Chennai 600 028.

+1 cc to Mr.G.Anantarangan , Advocate Sr.NO.48853

+1 cc to Government Pleader Sr.NO. 48531

WP No.13089 of 2020

GSM co

A.SK(12.10.2021)