



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021
CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 14374 of 2021
and
WMP No. 15289 of 2021

S.Saraswathi

...Petitioner

Versus

1. Government of Tamil Nadu,
rep. by its Secretary to Government,
Fort. St.George,
Chennai - 600 009.

2. The Tahsildar,
Purasaiwalkam - Perambur Taluk,
Perambur Part-2,
Chennai

...Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the status report in online Application No.TN-7202010072440 on 07.10.2020 applied by the petitioner vide Transaction No.TNTACCHN11314416 (REV-114 Legal Heir Certificate) dated 07.10.2020 on the file of second respondent and quash the status ie: "Rejected Direct Legal Heirs only eligible to receive certificate as per the instructions of the Government" and direct the second respondent to consider the petitioner's online Application No.TN-7202010072440 on 07.10.2020 vide Transaction No. TNTACCHN11314416 (REV-114 Legal Heir Certificate) dated 07.10.2020 in accordance with law and issue the Legal Heir Certificate to the petitioner.

For Petitioner	:	Mr.J.R.K.Bhavanantham
For Respondents	:	Mr. G. Krishnaraja, Government Counsel

O R D E R

This writ petition has been filed to quash the order dated 07.10.2020 of the second respondent and consequently directing the second respondent to consider the petitioner's online Application dated 07.10.2020 requesting to issue the Legal Heir Certificate to the petitioner.



2. According to the petitioner, her husband S.Sundar Rao was employed in the Postal Department retired from his service 31.08.2000. The said S.Sundar Rao's first wife Jyothibai died on 03.03.1981 leaving behind her husband, daughter namely S. Bharathi and a son namely S.Murali. After her death, S.Sundar Rao married the petitioner. Out of the said wedlock two daughters viz., Deepa and priya were born to them. Thereafter, he also died on 15.10.2019 leaving behind his son and daughter through his first wife and the petitioner and two daughters as his legal heirs. After his death, she made an online application dated 07.10.2020 along with necessary documents to the second respondent for issuance of legal heirship certificate, but the same was rejected by the second respondent. Feeling aggrieved, the petitioner has come up with this writ petition for the aforesaid relief.

3. Today, when the writ petition is taken up for consideration, the learned Government Counsel for the respondents submitted that subsequent to the filing of this writ petition, a communication dated 29.09.2021 was received from the Tahsildar/second respondent in R.C.No.1502/A1/2021, which reads as follows:-

"I wish to submit that one Tmt.S.Saraswathy, W/o.Late Sundar Rao filed the said Writ petition before the Hon'ble High Court of Madras praying to direct the Second Respondent (i.e., Tahsildar, Perambur Taluk) to process the onling Applicaion TN-7202010072440 dated 07.10.2020 vide transaction TNTACCHN11314416 (Rev-114 Legal heir certificate dated 07.10.2020). I wish to submit that the petitioner had applied for issue of Legal Heir certificate vide online Application No.TN-7202010072440 dated 07.10.2020 and the same was enquired by the Revenue Inspector of this Office. Since the petitioner is being the second wife of the deceased Thiru.Sundar Rao and the same was rejected by the then Tahsildar, Perambur Taluk.

I wish to further submit that consequent on the modifications made in the software, provisions has been made to differentiate the relationship with the deceased such as first wife, second wife, son of the first wife, daughter of the first wife, son of the second wife and daughter of the second wife etc.,

I wish to further submit that if the petitioner submit the fresh application online and the same will be considered favourably by the second respondent.



4. In view of the above statement made by the second respondent in his communication dated 29.09.2021, this Court is not inclined to examine the validity and/or correctness of the order of rejection dated 07.10.2020 passed by the second respondent. Consequently, this Court directs the petitioner to submit a fresh representation to the second respondent along with all relevant documents within a period of two weeks from the date of receipt of a copy of this Order. On receipt of the same, the second respondent is directed to consider the claim of the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of six weeks thereafter.

5. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary,
Government of Tamil Nadu,
Fort.St.George,
Chennai - 600 009.
2. The Tahsildar,
Purasaiwalkam - Perambur Taluk,
Perambur Part-2,
Chennai.

+1 CC to The Government Pleader sr 51294.

WP No.14374 of 2021

AKII(CO)
SP(20/10/2021)