



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 14349 of 2021

Meenatchi

.. Petitioner

Versus

1. The District Collector
Chennai District
Chennai.

2. The Tahsildar
Perambur
Chennai.

3. The General Manager
Integral Coach Factory
Chennai.

4. Sivakumar

5. Rajeswari

6. Rameshkanna

7. Geethalakshmi

.. Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the 2nd respondent to issue Legal Heirship Certificate to the petitioner within a time frame as fixed by this Hon'ble Court by considering the petitioner's representation dated 11.03.2021.

For Petitioner : Mr. D.R. Arun Kumar

For Respondents No.1 & 2 : Mr. Stalin Abhimanyu
Government Advocate

ORDER

The relief sought for in this Writ Petition is to issue a Writ of Mandamus directing the second respondent to issue Legal



Heirship Certificate to the petitioner, by considering her representation dated 11.3.2021 within a time frame to be fixed by this Court.

2. According to the petitioner, her husband by name Mr. Gnanaprakasam originally married one Mrs. Gowri, who died on 24.5.2005 and the respondents 4 to 7 are their sons and daughters. After the demise of his 1st wife, he married the petitioner on 18.2.2008 and at the time of their marriage, the said Gnanaprakasam was working as an Assistant Machine Engineer/Design at Integral Coach Factory, Indian Railways, Chennai. After his retirement, he died on 14.7.2017 leaving behind the petitioner and respondents 4 to 7 as his legal heirs.

3. It is the case of the petitioner that the third respondent, vide his proceedings No. PB/ett/415564/MSG, dated 25.10.2008 accepted the request submitted by the petitioner's husband, while he was alive, for inclusion of petitioner's name for availing pensionary benefit. However, after the death of the petitioner's husband, the office of the 3rd respondent demanded the petitioner to produce the legal heirship certificate, hence the petitioner approached the second respondent with a representation dated 11.3.2021 for issuing legal heirship certificate enabling her to produce the same before the third respondent. However, the petitioner's representation dated 11.03.2021 has not been considered, hence, the petitioner preferred this writ petition.

4. The learned counsel for the petitioner submitted that there is no dispute regarding the status of the petitioner as the second legally wedded wife, as such, she is entitled to the pensionary benefits. He would further submit that the respondents 4 to 7 are intentionally avoid taking steps to get the legal heirship certificate in order to prevent petitioner from getting the pensionary benefit.

5. On the other hand, learned Govt. Advocate appearing for the respondents 1 and 2 fairly submitted that the respondent authorities would consider the petitioner's representation after giving opportunity to all the parties concerned and pass orders on merits, within a reasonable time to be fixed by this Court.

6. In the light of the above submissions now made by the learned counsel on either side, this Court directs the respondents 1 and 2 to consider the representation of the petitioner dated 11.3.2021, after issuing notice to all the parties including the respondents 4 to 7 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.



WEB COPY

7.
costs.

Accordingly, this writ petition stands disposed of. No

Sd/-
Assistant Registrar (CS-IV)

// True Copy//

Sub Assistant Registrar

msr/rsh

To

1. The District Collector,
Chennai District,
Chennai.
2. The Tahsildar,
Perambur,
Chennai.
3. The General Manager,
Integral Coach Factory,
Chennai.

WP No. 14349 of 2021

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