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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 19402 of 2021

1. V. Banu  
2. Sundarambigai  
3. V. Sivasankaran .. Petitioners

Versus

1. The District Collector  
Cuddalore  
Cuddalore District  
2. The Revenue Divisional Officer  
Cuddalore Taluk  
Cuddalore District  
3. The Tahsildar  
Cuddalore Taluk  
Cuddalore District .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 16.08.2021 and issue legal heir certificate in accordance with law

For Petitioners : Mr. D. Balachandran  
For Respondents : G. Krishnaraja  
Government Counsel

O R D E R

The present writ petition has been filed seeking to issue a Writ of Mandamus directing the respondents to consider the petitioners' representation and issue legal heir certificate to them.



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2. According to the petitioners, they are the wife, daughter and son of G. Vasudevan, who passed away on 18.11.2017. The petitioners also obtained death certificate evidencing the death of G. Vasudevan. Based on the death certificate, the petitioners submitted an application dated 31.07.2019 to obtain legal heir certificate. On the basis of such application, an enquiry was conducted during which it was unfolded that the deceased married one Ms. Vijayalakshmi and obtained a decree of divorce in the year 1966. According to the petitioners they are not aware of the whereabouts of the said Vijayalakshmi. It is also stated that the deceased Vasudevan married Vijayalakshmi and due to misunderstanding between them they lived separately and subsequently obtained a decree of divorce in HMOP No. 35 of 1991 on 11.04.1991 on the file of Sub Court, Cuddalore. However, the respondent has neither rejected the application dated 31.07.2019 submitted by the petitioners nor passed any orders thereof. Therefore, the petitioners submitted a representation dated 16.08.2021 but the respondents has not even acted upon the said representation. Therefore, the petitioners have filed this Writ Petition.

3. Heard both sides and perused the materials placed on records. The petitioners have submitted an application dated 31.07.2019 seeking to issue legal heir certificate of the deceased G. Vasudevan, who died on 18.11.2017. The said application has not been considered and orders passed and therefore, the petitioners have submitted a representation dated 16.08.2021, reiterating the same.

4. Considering the limited relief sought in this writ petition, this court, without going into the merits of the case, directs the third respondent to consider the petitioners' representation dated 16.08.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to them, within a period of six weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar



dhk/rsh

To

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1. The District Collector

Cuddalore  
Cuddalore District

2. The Revenue Divisional Officer

Cuddalore Taluk  
Cuddalore District

3. The Tahsildar

Cuddalore Taluk  
Cuddalore District

+1CC to M/s.D.Balachandran, Advocate, SR.No. 46311

+1CC to The Government Pleader, SR.No. 47218

WP No. 19402 of 2021

RSV(CO)

B.VC (13/10/2021)