



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No.18734 of 2021

V.Jayanthi

... Petitioner

Vs.

1.The District Collector,
Tiruppur District Collectorate,
Tiruppur.

2.The Tahsildar, Palladam Taluk,
Tiruppur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to issue a legal heir certificate to the petitioner by considering the petitioner's representation dated 04.08.2021.

For Petitioner : Mr.C.Kanagaraj

For Respondents : Mr.Krishnaraja, Govt. Counsel

ORDER

The relief sought in this writ petition is to issue a mandamus, directing the second respondent to issue a legal heir certificate to the petitioner by considering her representation dated 04.08.2021.

2.According to the petitioner, one Venkidusamy married her, on 08.03.2004, after the death of his first wife Sarasu on 04.11.2011 and they have been living in Tiruppur from 1999 onwards. Due to illness, he died on 07.03.2021, leaving behind the petitioner, daughter and son, as his legal heirs. Claiming legal heirship certificate, the petitioner made an application on 28.06.2021 through online to the second respondent, besides making application for widow certificate, which was issued on



04.08.2021. However, the application seeking legal heir certificate was rejected on the ground that there are two wives to the deceased person and his native place is madurai and hence, the petitioner was directed to approach the court concerned for appropriate remedy. Feeling aggrieved, the petitioner made a representation dated 04.08.2021 to the second respondent, which was also not considered. Therefore, this writ petition.

3.The learned counsel for the petitioner submitted that after the demise of his first wife, the petitioner's husband married her and they shifted to Tiruppur in the year 1999 itself and have been continuously living in Paruvai village of Tiruppur District, till his death. Without considering the same, the second respondent has rejected the petitioner's application seeking legal heir certificate. Hence, the learned counsel prayed for appropriate direction to the second respondent in this regard.

4.On the other hand, the learned Government counsel appearing for the respondents fairly submitted that the second respondent would consider the petitioner's representation and pass orders, on merits, within a time frame to be stipulated by this court.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this court directs the second respondent to consider the petitioner's representation dated 04.08.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

6.With the aforesaid direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mst

To

1.The District Collector,
Tiruppur District Collectorate,
Tiruppur.



2.The Tahsildar,
Palladam Taluk,
Tiruppur District.

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+1cc to the Government Pleader Sr No.45829
+1cc to Mr.C.Kanagaraj, Advocate Sr No.45002

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AK (CO)
PR (27/10/2021)