

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.16704 of 2020

Mrs.Gowri Narayanan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Pappireddypatty,
Dharmapuri District.

2.The Thasildhar,
Pappireddypatty Taluk,
Dharmapuri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the respondent-2 to consider the petitioner's representation dated 22.10.2020 for including the petitioner's name in the legal heir certificate of the petitioner's husband late Mr.K.Narayanan, vide certificate No.TN-720200922359 dated 15.10.2020 within a stipulated period of time.

For Petitioner : Mr.V.Vijayakumar

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader

O R D E R

This writ petition has been filed for a mandamus seeking for a direction to the second respondent to consider the petitioner's representation dated 22.10.2020 for inclusion of the petitioner's name in the Legal Heirship certificate for the deceased Mr.K.Narayanan who the petitioner claims was her husband at the time of his death, within a time frame to be fixed by this Court.

2.Heard Mr.V.Vijayakumar, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondents.

3.The learned counsel for the petitioner on instructions would submit that the petitioner aggrieved by the order dated 25.10.2020 passed by the second respondent to include the petitioner as one of the legal heir for the deceased K.Narayanan, has preferred a Statutory Appeal before the first

respondent under the representation dated 22.10.2020. He submits that the said representation will have to be treated as a Statutory Appeal and would further submit that the petitioner has wrongly addressed the representation to RDO, Pappireddypatty, Dharmapuri District instead of RDO, Harur, Dharmapuri District. Therefore, he would submit that the Statutory Appeal filed by the petitioner will have to be considered only by Revenue Divisional Officer, Harur, Dharmapuri District instead of Pappireddypatty, Dharmapuri District.

4.The learned counsel for the petitioner also submits on instructions that since the petitioner is aged 75 years, the Statutory Appeal, pending before the first respondent will have to be disposed of expeditiously. The learned counsel for the petitioner further submits that the petitioner is the lawfully wedded wife of K.Narayanan. According to the petitioner, she married K.Narayanan after he divorced his first wife on 26.08.1964.

5.No prejudice will be caused to the respondents if the petitioner's representation dated 22.10.2020 seeking for including the petitioner's name in the Legal Heirship certificate of Mr.K.Narayanan, who the petitioner claims was her husband is treated as a Statutory Appeal as against the order dated 15.10.2020 passed by the second respondent. No prejudice will also be caused to the respondents if Revenue Divisional Officer, Harur, Dharmapuri District which is the jurisdictional Revenue Divisional Officer to consider the petitioner's Statutory Appeal instead of the Revenue Divisional Officer, Pappireddypatty, Dharmapuri District.

6.For the foregoing reasons, this Court directs the Revenue Divisional Officer, Harur, Dharmapuri District to treat the petitioner's representation dated 22.10.2020 as the Statutory Appeal as against the order dated 15.10.2020 passed by the second respondent and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner within a period of 12 weeks from the date of receipt of a copy of this order.

7.With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Harur,
Dharmapuri District.

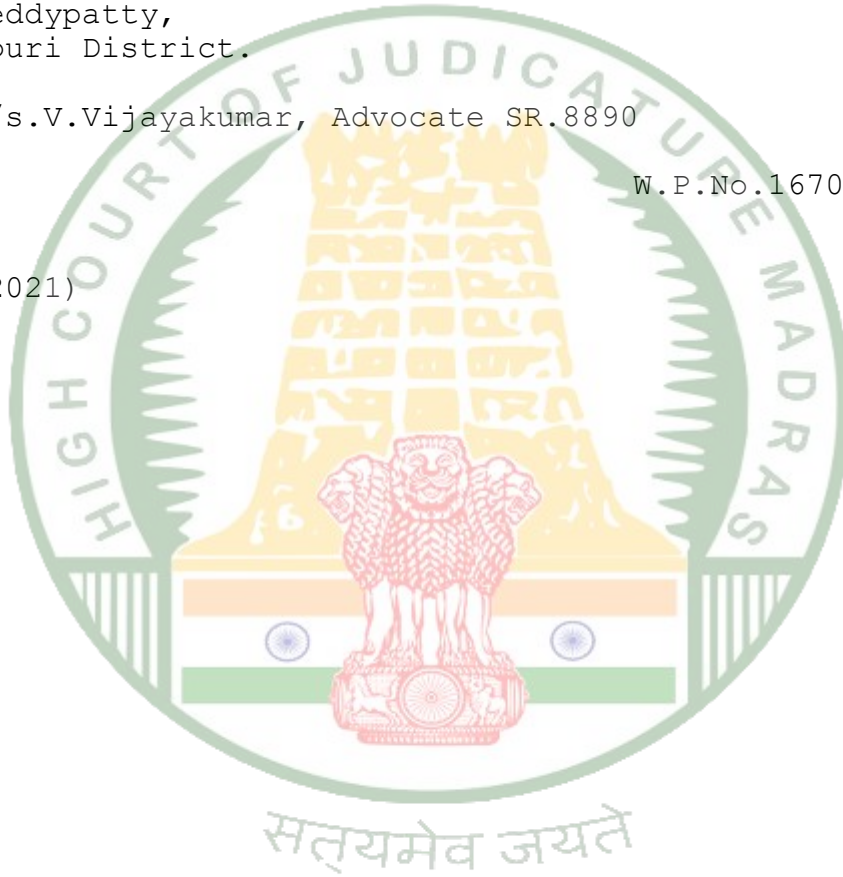
2.The Thasildhar,
Pappireddypatty Taluk,
Dharmapuri District.

3.The Revenue Divisional Officer,
Pappireddypatty,
Dharmapuri District.

+1cc to M/s.V.Vijayakumar, Advocate SR.8890

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AK(CO)
CB(08/03/2021)



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