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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P.NO.20191 OF 2021

AND

W.M.P.NOS.21454 & 21455 OF 2021

1. Angala Eswari
Wife of Balamurugan
2. Sathiya Shree B
Daughter of Balamurugan
Represented by her mother
Angala Eswawi

.. Petitioner

Versus

1. The Collector
Kancheepuram District
Kancheepuram
2. The Village Administrative Officer
The Village Administrative Office
Marutham Village
Kancheepuram, Tamil Nadu - 631 561
3. The Thasildar
Walajabad
Kancheepuram, Tamil Nadu
4. The Inspector of Police
Walajabad Police Station
Kancheepuram, Tamil Nadu - 631 561
5. Kanniyammal
6. G.Kumar

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the third respondent to issue the petitioners with the legal heir certificate of Mr. Balamurugan within a stipulated time by conducting the required enquiry by obtaining necessary documents form the 5th and 6th respondent and in accordance with law in terms of the representation of the petitioner dated 07.05.2021



For Petitioner : Mr.K.Moorthy

For Respondents: Mr.G.Krishnaraja for (R1-R4)
Government Counsel

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O R D E R

Mr.G.Krishnaraja, learned Government Counsel takes notice for the respondents 1 to 4. By consent of both the parties, the writ petition is taken up for final disposal at the time of admission itself.

2. According to the petitioner, the first petitioner is the wife of one Balamurugan and the second petitioner is the daughter born to them. The respondents 4 and 5 are the parents in law of the first petitioner. The first petitioner further averred that her husband Balamurugan was addicted to alcoholic drinks and under the influence of alcohol, he physically assaulted her and the minor daughter for no reasons. While things stood thus, when the petitioners were in the parents' house of the first petitioner, the said Balamurugan/husband of the first petitioner and father of the second petitioner, died on 30.07.2020, however, the same was not informed to the petitioners. After coming to know about the same, the first petitioner participated in the funeral of her husband. When she questioned as to why she was not informed about the death of her husband, a mediation was conducted and she was pacified with an assurance that she will be given all the rights under the law to succeed the estate of her husband. But, when she applied for death certificate of her husband with the third respondent, the respondents 5 and 6 opposed it and ultimately, at the intervention of the fourth respondent, who conducted an enquiry, death certificate was issued. The grievance of the petitioner is that the respondents 5 to 6 are opposing for grant of legal heir certificate by the third respondent. Even though the first petitioner submitted an application on 07.05.2021, the third respondent refused to conduct any enquiry, by citing the opposition of the respondents 5 and 6. Hence, the petitioners have come up with this writ petition.

3. Heard the counsel for both sides and perused the materials placed. Considering the facts and circumstances of the case, this court, without going into the merits of the case, directs the third respondent to consider the petitioner's representation dated 07.05.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the respondents 5 and 6, within a period of four weeks from the date of receipt of a copy of this order.



4. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dhk

To

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+1cc to Mr.K.Moorthy, Advocate, S.R.No.48387
+1cc to the Government Pleader, S.R.No.49428

W.P.No.20191 of 2021

VBM(CO)
CS/13/10/2021