



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P. No. 22635 of 2021

R. Priyadarshini

...Petitioner

Versus

1. The Tahsildar,
Sozhinganallur Taluk,
Chennai - 600 119.

2. R. Bhagya Devi

3. R. Kavya

...Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to dispose of the representations dated 28.12.2016, 05.01.2017 and representation dated 16.04.2021 of the petitioner pending on the file of the first respondent herein in light of the order dated 22.03.2021 of the Hon'ble First Bench of Hon'ble High Court, Madras passed in W.A.No.568 of 2021 dated 22.03.2021 and set aside/cancel the Legal Heirship Certificate in No.9023/2016A/Aa.5 issued excluding the name of the petitioner and to issue a fresh Legal Heirship Certificate including the name of the petitioner as one of the Class-I Legal Heir of his father (Late) S. Rajendran, ADGP. (Retd.) along with second and third respondents herein.

For Petitioner : Mr. K.R. Ramesh Kumar

For Respondents : Mr. Stalin Abhimanyu
Government Counsel for R1

ORDER

By consent, the writ petition is taken up for final disposal at the time of admission itself.

2. This Writ Petition is filed seeking to issue a Writ of Mandamus directing the first respondent to dispose of the representations dated 28.12.2016, 05.01.2017 and 16.04.2021 submitted by her, which are pending on the file of the first respondent herein, for revocation of the Legal Heirship



Certificate issued by the first respondent in No.9023/2016A/Aa.5 dated 18.10.2016 by excluding her name and to direct the first respondent to issue a fresh legal heirship Certificate by including her name as one of the Class-I Legal Heir of her father (Late) S. Rajendran, ADGP. (Retd.) along with second and third respondents herein, in the light of the Judgment dated 22.03.2021 passed by the First Bench of this Court in W.A. No. 568 of 2021 dated 22.03.2021.

3. It is stated that the petitioner's father Late S. Rajendran married Ms. Anitha on 22.05.1985 and out of such wedlock, the petitioner was born on 19.05.1986. Thereafter, due to matrimonial dispute, the marriage solemnised between her parents got dissolved by virtue of a decree of divorce granted on 23.01.1991 in HMOP No. 544 of 1990 on the file of Additional Principal Family Court, Chennai. After dissolution of the marriage, the petitioner's father married the second respondent herein and out of such wedlock, the third respondent was born. It is further stated that the petitioner's father retired as Additional Director General of Police during January 2016 and shortly thereafter, on 25.09.1996, he died leaving behind the petitioner, the respondents 2 and 3 as his legal heirs. However, the second respondent, by suppressing material particulars, obtained the legal heir ship certificate on 18.10.2016 indicating the respondents 2 and 3 alone as legal heirs of late. Rajendran. Aggrieved by the issuance of legal heir certificate dated 18.10.2016, the petitioner preferred an appeal before the Revenue Divisional Officer, Tambaram, but the appeal was not taken up for consideration. The petitioner therefore filed WP No. 11658 of 2017 before this Court for a Mandamus directing the Revenue Divisional Officer, Tambaram to conduct an enquiry in the appeal preferred by her and to pass orders within a time frame. Pending writ petition, this Court granted an order of status-quo. On notice in WP No. 11658 of 2017, the Revenue Divisional Officer, Tambaram passed an order dated 10.05.2019 disposing of the appeal with a direction to the first respondent to pass final orders on the representation of the petitioner, subject to the outcome of WP No. 11658 of 2017. Ultimately, the writ petition No. 11658 of 2017 was disposed of by this Court on 21.12.2020 by directing the first respondent to conduct an enquiry and to pass orders thereof. Based on the order dated 21.12.2020 passed in WP No. 11658 of 2017, the petitioner submitted a representation dated 28.12.2020 requesting to comply with the directions of this Court in WP No. 11658 of 2017. In the meantime, aggrieved by the order of status quo granted in WP No. 11658 of 2017, the second respondent filed W.A. No. 568 of 2021 before the Division Bench of this Court. When the writ appeal was taken up for hearing on 22.03.2021, the second respondent herein accepted the status of the petitioner as one of the legal heirs of the deceased



Rajendran. Recording the same, W.A. No. 568 of 2021 was disposed of by this Court. Thereafter, the petitioner submitted a representation dated 16.04.2021 enclosing the copy of the Judgment in W.A. No. 568 of 2021. However, till date, the first respondent has not passed final order in the representation dated 16.04.2021 of the petitioner, hence, she has filed this writ petition.

4. Learned Government Counsel appearing for the first respondent submits that the first respondent will take up the representation dated 16.04.2021 of the petitioner and appropriate orders will be passed on merits.

5. Considering the relief sought in this writ petition, this Court directs the first respondent to consider the representations dated 28.12.2016, 05.01.2017 and 16.04.2021 of the Petitioner seeking inclusion of her name in the legal heirship certificate and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the second and third respondents herein, within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

Maya/rsh

To

The Tahsildar,
Sozhinganallur Taluk,
Chennai - 600 119.

+1cc to Mr.K.R. Ramesh Kumar, Advocate, S.R.No.54508
+1cc to the Government Pleader, S.R.No.55046

WP No. 22635 of 2021

NK[co]
NSK 15/11/2021