

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM

THE HONOURABLE M.R.JUSTICE ABDUL QUDDHOSE

W.P. No.18988 of 2020

Saradha Anandhan

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Petitioner

Vs

1.The Tahsildar, Tiruttani District,
Tiruttani.

2.The District Revenue Officer,
Tiruttani.

3.The Village Administrative Officer,
No.30 Chivvada Village,
Tiruttani Taluk.

...

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents 1 and 2 to forthwith consider the representation of the petitioner dated 26.12.2018 as forwarded by the 2nd respondent to the 1st respondent in his letter Na.Ka.No.2441/2018/A5 dated 31.12.2018 and issue necessary legal heir certificate in accordance with law recognizing the petitioner as one of the legal heirs of late V.C.Anandha Naidu.

For Petitioner

... Mr.M.Venkatakrisnan

For Respondent

... Mr.V.Shanmuga Sundar
Special Government Pleader

ORDER

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This writ petition has been filed for a mandamus seeking for a direction to include the petitioner's name in the legal heirship certificate dated 28.12.2017 for V.C.Anandha Naidu who died on 14.09.2017.

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2. It is the case of the petitioner that she is the legally wedded wife of the deceased V.C.Anandha Naidu who died on 14.09.2017. According to her, she married V.C.Anandha Naidu only after the death of his first wife. The legal heirs of the deceased V.C.Anandha Naidu applied for legal heirship certificate for V.C.Anandha Naidu. Based on the said application, the first respondent has issued the legal heirship certificate dated 28.12.2017 disclosing the following as the legal heirs of the deceased (a) Venkataramana (first wife's son), (b) Sumathi (first wife's daughter), (c) Balaji (first wife's son) and (d) Venkata Praveen (second wife's son). However, the petitioner's name has been excluded. Since the first wife of the deceased Anandha Naidu died on 22.06.1977, the petitioner got married to the deceased V.C.Anandha Naidu on 31.03.1978 after the death of the first wife. Since the petitioner's name has been excluded in the legal heirship certificate dated 28.12.2017 for V.C.Anandha Naidu, the petitioner has given a representation on 27.06.2018 requesting the first respondent to include the petitioner's name as one of the legal heirs of the deceased V.C.Anandha Naidu. It is the case of the petitioner that till date, the said representation has not been considered by the respondents. In such circumstances, this writ petition has been filed.

3. Heard Mr.M.Venkatakrishnan, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondents.

4. The petitioner has produced the following documents before this Court namely (a) Aadhar card of the petitioner (b) Ration Card of the petitioner, (c) death certificate of V.C.Anandha Naidu and (d) death certificate of the first wife of V.C.Anandha Naidu, Sugunammal who died on 22.06.1977. As seen from the aforementioned documents, the petitioner has married the deceased V.C.Anandha Naidu only after the death of his first wife Sugunammal. However, in the legal heirship certificate issued by the first respondent, the name of the petitioner has been excluded. The petitioner has given a representation on 27.06.2018 to the first respondent requesting him to include her name also along with other legal heirs for the deceased V.C.Anandha Naidu. Admittedly, the said representation has not been considered by the first respondent till date. No prejudice will be caused to the respondents if the representation of the petitioner is considered by the first respondent in the light of the observations made by this Court within a time frame to be fixed by this Court.

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5. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representation dated 27.06.2018 requesting the first respondent to include her name also along with other legal heirs in the legal heirship certificate dated 28.12.2017 of V.C.Anandha Naidu who died on 14.09.2017 in the light of the observations made by this Court in the aforementioned paragraphs and pass final orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order after hearing all the necessary parties including the petitioner and other legal heirs .

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Tahsildar, Tiruttani District,
Tiruttani.
- 2.The District Revenue Officer,
Tiruttani.
- 3.The Village Administrative Officer,
No.30 Chivvada Village,
Tiruttani Taluk.

+1cc to Mr.M.Venkata Krishnan, Advocate SR.3730

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RSV(CO)
CB(16/02/2021)

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