



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.10.2021
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 22153 of 2021

Sameera

.. Petitioner

Versus

1. The District Collector
Coimbatore District
2. The Thasildar
Perur Taluk Office, Perur
Coimbatore
3. The Revenue Inspector
Kuniyamuthur Village, Perur Taluk
Coimbatore District
4. The Village Administrative Officer
Perur Village and Taluk
Coimbatore District

5. Rabiya

.. Respondents

Prayer: This Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to dispose the petitioner's appeal dated 06.09.2021 consequently to issue the legal heir certificate by including the five children of the first wife viz., Saheera in respect of the deceased P.K. Muthappa by setting aside of earlier legal heir certificate issued by the second respondent vide Certificate No. TN 7202003191739 dated 09.06.2020 within a time frame as fixed by this Hon'ble Court

For Petitioner	: Mr.M. Saravana Kumar
For Respondents	: Mr.Krishnaraja
1 to 4	Government Counsel

O R D E R

Considering the nature of relief, this writ petition is taken up for final disposal at the admission stage itself.

2. According to the petitioner, she along with her sisters' and brother were born to one Mr. P.K. Muthappa and Saheera namely Haseena, Nadheera, Salam, Sameera and Shajeetha. Pursuant to the demise of her mother, her father married Rabiya, the fifth respondent herein and through them two childrens were born namely Shakeela and Nazeeb. Further, her father passed away on 02.11.2018 and she had obtained the death



certificate for the same and further for obtaining the legal heir certificate, her brother applied for legal heir ship certificate prior to the issuance of the impugned legal heir certificate and the same was rejected stating that the second wife, i.e., fifth respondent's children had recommended for rejection. Further, the fifth respondent had suppressed the fact that her husband had two wives and had obtained the legal heirship certificate in her and her childrens' favour from the second respondent. However, she including her sisters' and brother who are also the surviving legal heirs ought to have been included in the impugned legal heirship certificate. Aggrieved against the issuance of the impugned legal heir certificate without conducting any enquiry on the same, she had made an appeal on 06.09.2021 before the first respondent and the same is pending without consideration till date. Feeling resentful, the petitioner has come up with this writ petition for the above said relief.

3. Considering the facts and circumstances of the case, this court, without expressing any opinion on the merits of the case, directs the first respondent to consider the petitioner's appeal dated 06.09.2021 and pass appropriate orders, on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner as well as the interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

4. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

dhk/rsh

To

1. The District Collector
Coimbatore District

2. The Thasildar
Perur Taluk Office, Perur
Coimbatore

3. The Revenue Inspector
Kuniyamuthur Village, Perur Taluk
Coimbatore District

4. The Village Administrative Officer
Perur Village and Taluk
Coimbatore District

+1 cc to Mr. ., Advocate Sr.NO. 53908

+1 cc to Government Pleader Sr.NO. 54002