



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.22789 OF 2021

AND

W.M.P.NOS.24012 & 24013 OF 2021

1. Mrs.Hazeena alias R.Srimathy
2. Mr.R.Sulaiman ... Petitioners

Versus

1. The District Collector,
Thiruvallur, Thiruvallur District.
2. The Revenue Divisional Officer,
Thiruvallur.
3. The Tahsildar,
Poonamallee Taluk,
Thiruvallur District.
4. R.Sivakumar
5. R.Samykumar ... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the second respondent in Na.Ka.No.1110/2021/A4, dated 27.07.2021 in pursuance of the Legal Heir Certificate of the petitioner's deceased father G.Ramachandran, dated 18.06.2021 vide Online Certificate bearing No.TN-7202106142933 issued by the third respondent in favour of the 4th and 5th respondents and to dispose of the revision petition dated 23.08.2021 filed by the petitioners, in a fair and transparent manner within a reasonable time period as fixed by this Court.

For Petitioners : Mr.R.Narayanan

For Respondents : Mr.G.Krishnaraja
1 to 3 Government Counsel



O R D E R

Mr.G.Krishnaraja, learned Government Counsel takes notice for the respondents 1 to 3. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

2. According to the petitioners, their father G.Ramachandran and mother Jameela got married on 13.02.1968 as per Muslim rites and customs. Out of such wedlock, two children were born and they are the petitioners. During the year 1972, due to matrimonial dispute, the petitioners' father deserted their mother. Upon such desertion, the petitioners' mother filed M.C.No.406 of 1972 before the III Presidency Magistrate Court, Saidapet and by order dated 18.09.1972, a sum of Rs.35/- was awarded as maintenance. Thereafter, the petitioners' father married one Poorani on 04.06.1973 as per Hindu rites and customs. Out of such wedlock, the respondents 4 and 5 were born. In other words, the petitioners' father contracted a second marriage, when the marriage with their mother is subsisting. It is further stated that since the petitioners' father contracted a second marriage by abandoning the petitioners' mother and two children were born to her, they are considered to be Class I legal heirs. It is also stated that Poorani, second wife, died on 18.05.2021 and thereafter, the petitioners' father Ramachandran died on 02.06.2021. While so, the respondents 4 and 5, suppressing the status of the petitioners as Class I legal heirs, have obtained two legal heir certificates dated 18.06.2021, one in respect of the legal heirs of Late. Ramachandran and the other in respect of Poorani, second wife. However, in both the legal heir certificates, the names of the petitioners were not included. Aggrieved by the same, the petitioners filed an appeal on 06.07.2021 before the second respondent. The second respondent, after conducting an enquiry, has passed final order on 27.07.2021, rejecting the appeal preferred by the petitioners. Challenging the same, the petitioners have filed a revision petition before the first respondent on 23.08.2021, which is pending without any consideration. Therefore, the petitioners have come up with this writ petition to quash the said order dated 27.07.2021 and direct the first respondent to dispose of the said revision petition filed by the petitioners.

3. However, when the matter was taken up for consideration, the learned counsel for the petitioners restricted the relief sought herein and submitted that it would suffice, if a direction is issued to the first respondent to dispose of the revision petition filed by the petitioners on 23.08.2021, within a time that may be specified by this Court.



4. The learned Government Counsel taking notice for the respondents 1 to 3 has no serious objection for granting such relief to the petitioner.

5. Taking note of the limited relief now sought by the learned counsel for the petitioners, which has not been seriously opposed on the side of the respondents, this court, without going into the merits of the case, directs the first respondent to dispose of the revision petition filed by the petitioners on 23.08.2021 on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as any of the interested parties, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mrr

To

1. The District Collector,
Thiruvallur,
Thiruvallur District.
2. The Revenue Divisional Officer,
Thiruvallur.
3. The Tahsildar,
Poonamallee Taluk,
Thiruvallur District.

+1cc to Mr.R.Narayanan, Advocate, S.R.No.54782
+1cc to the Government Pleader, S.R.No.55862

W.P.NO.22789 OF 2021

SSD(CO)
PBS/29/11/2021