



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24913 of 2021

Sabira Jaffer

... Petitioner

Vs.

1. The District Collector,
District Collector's office,
Singaravelar Maaligai,
62, Rajaji Salai,
Chennai-600 001.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Tondiarpet, Chennai- 600 081.
3. The Tahsildar,
Tondiarpet, Chennai-600 081.
4. Mr.Yousuf
5. Mr.Abdul Rahim
6. Ms.Sahitha

... Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the representation dated 14.07.2021 made by the petitioner by cancelling the Legal Heir-ship Certificate of the petitioner's husband issued already and to include the petitioner's name as wife of Late Mr.S.K.Ameer Jan and issue a new Legal Heir-ship certificate.

For Petitioner : M/s.U.Archana

For Respondents R1 to R3 : Mr.M.R.Gokukrishnan
Government Advocate



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to consider the petitioner's representation dated 14.07.2021 and to include the petitioner's name as wife of Late Mr.S.K.Ameer Jan and issue a new Legal Heir-ship certificate.

2.The case of the petitioner is that she married one Mr.S.Babu on 26.04.1992 and blessed with a daughter. Unfortunately, the petitioner's first husband/the said Babu died in a road accident on 15.05.1996. Thereafter, the petitioner married one Mr.Ameer Jan who also lost his first wife on 14.08.2015. The said Ameer Jan and his first wife were blessed with two sons and one daughter, the respondents 4 to 7 herein and the said Ameer Jan struggled a lot to bring up his children, hence, he married the petitioner on 15.10.2017 and the same was registered in the Office of the Chief Kazi to the Government of Tamilnadu under Kazi Act, 1880.

3. It is further submitted that, the petitioner's husband, the said Ameer Jan died on 29.05.2020. In the meantime, the petitioner wrote a letter to the Registrar General of the Hon'ble High Court of Madras on 18.02.2021 requesting to disburse the pension of her husband to her and the same was forwarded by the Assistant Registrar to the Senior Accounts officer and the petitioner was asked to submit the legal heirship certificate of her husband, said Ameer Jan to proceed further in disbursing the pension. Thereafter, the petitioner approached the respondent 1 to 3 and came to know that the respondents 4 to 6 herein had already obtained legal heirship certificate of her husband, said Ameer Jan excluding the petitioner's name. Aggrieved by the same, the petitioner vide letter dated 14.07.2021 made representation/objection letter to the respondents 1 to 3 to cancel the legal heirship certificate of her husband, said Ameer Jan and to issue new legal heirship certificate including the name of the petitioner as the wife of Late Mr.Ameer Jan, however, till date no order has been passed. Hence, this writ petition.

4. The learned counsel appearing for the petitioner submitted that the petitioner married the said Ameer Jan after the demise of her first husband and their marriage was registered properly and only after the demise of the first wife of the said Ameer Jan. He further submitted that the respondents 3 to 5 refused to provide a copy of the legal heirship obtained



by the respondents 4 to 6. Hence, he submitted that it would suffice, if this Court issue direction to the respondents 1 to 3 to consider the petitioner's representation/objection letter dated 14.07.2021 and pass appropriate order within a stipulated time fixed by this Court.

5.The learned counsel appearing for the respondent submitted that the third respondent has already forwarded the petitioner's representation to the Tahsildar of Purasaiwakkam as he is not the authority to consider the petitioner's representation.

6. Since no adverse order was passed against the respondents, notice to respondents 4 to 6 is dispensed with.

7. Heard the arguments advanced on either side.

8.Considering the limited request made by the petitioner, since the third respondent is not the authority, this Court is inclined to issue direction to the Tahsildar, Purasaiwakkam to consider the petitioner's representation and pass appropriate orders in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. Further, the petitioner is directed to submit the requisite documents including proof of marriage with private respondent's father along with a copy of this order to enable the Tahsildar, Purasaiwakkam to take action on the petitioner's representation after giving opportunity to the respondents 4 to 6.

9.With the above direction, this Writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

skt
To

1. The District Collector,
District Collector's office,
Singaravelar Maaligai,
62, Rajaji Salai,
Chennai-600 001.



2. The Revenue Divisional Officer,
Revenue Divisional Office,
Tondiarpet, Chennai- 600 081.

3. The Tahsildar,
Tondiarpet,
Chennai-600 081.

4. The Tahsildar,
Purasaiwakkam.

+1cc to M/s.U.Archana, Advocate Sr.60890
+1cc to the Government Pleader Sr.60649

W.P.No.24913 of 2021

kg[co]
srg 27/12/2021