

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.02.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.2699 of 2017

Jemima jeniffer

... Petitioner

Vs

1.The Tahsildar,
Tambaram Taluk,
Tambaram Sanatorium,
Chennai - 43.

2.Stella Respondents
(R2 is impleaded as per order
dated 22.03.2017 by this Court
in WMP.NO.3441 of 2017)

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondent to dispose of the representation dated 18.07.2016 within the time as fixed by this Court.

For petitioner ... Mr.M.L.Ganesh
For Respondent ... Mr.V.Shanmuga Sundar,
Special Government Pleader

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the first respondent to delete the name of the second respondent as one of the legal heirs of the deceased J.Dinesh who died on 05.05.2015.

2. According to the petitioner, she is the wife of the deceased J.Dinesh and the second respondent is his mother. According to the petitioner, the first respondent has issued a legal heirship certificate for the deceased J.Dinesh disclosing that the second respondent who is her mother-in-law and the mother of the deceased J.Dinesh is also one of the legal heirs. According to the petitioner, her mother-in-law is not a legal heir for the deceased J.Dinesh as per the provisions of the Indian Succession Act. According to her, she has given representations on 18.05.2016 and 18.07.2016 requesting the first respondent to make necessary corrections in the legal heirship certificate dated 23.02.2016 for the deceased J.Dinesh

by deleting the name of the second respondent as one of the legal heirs. According to her, since the representations have not been considered, this writ petition has been filed.

3. Heard Mr.M.L.Ganesh, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader for the first respondent. Since no adverse orders are going to be passed against the second respondent, notice to the second respondent is dispensed with by this Court.

4. The relief sought for in this writ petition is an innocuous one. The petitioner is the wife of the deceased J.Dinesh who died on 05.05.2015. The second respondent is the mother of the deceased J.Dinesh and the mother-in-law of the petitioner. The legal heirship certificate has been issued for the deceased J.Dinesh on 23.02.2016 disclosing that the second respondent is also one of the legal heirs. The petitioner claims that she is a Christian and therefore, as per the provisions of the Indian Succession Act, the mother of the deceased is not a legal heir for her deceased son J.Dinesh when she is alive. The petitioner has given two representations and the last representation was given on 18.07.2016 to the first respondent requesting him to correct the legal heirship certificate by deleting the name of the second respondent as one of the legal heirs for the deceased J.Dinesh.

5. No prejudice will be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law after hearing all the necessary parties including the petitioner as well as the second respondent within a time frame to be fixed by this Court.

6. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representation dated 18.07.2016 requesting the first respondent to delete the name of the second respondent as one of the legal heirs of the deceased J.Dinesh who died on 05.05.2015 and pass final orders on merits and in accordance with law after hearing all the necessary parties including the petitioner as well as the second respondent within a period of twelve weeks from the date of receipt of a copy of this Order.

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

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Tahsildar,
Tambaram Taluk,
Tambaram Sanatorium,
Chennai - 43.

W.P. No.2699 of 2017

A.SK(18.03.2021)



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