



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No.25870 of 2018

Mrs. G. Yogeshwari

.. Petitioner

Versus

1. The Revenue Divisional Officer,
Egmore Division, Chennai-31.

2. The Tahsildar,
Mylapore Taluk,
Chennai 600 028.

3. Mr. Rohit

4. Mr. Sunil

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to not to issue legal heir certificate in respect of deceased A.G. Gopinath in favour of third and fourth respondents.

For Petitioner : No appearance

For Respondents : Mr. Stalin Abhimanyu
Government Counsel (For R1 & R2)
Mr. T.I. Ramanathan (For R3 & R4)

ORDER

The relief sought for in this writ petition is to issue a Writ of Mandamus directing the second respondent not to issue legal heir certificate in respect of deceased A.G.Gopinath in favour of third and fourth respondents.

2. According to the petitioner, her marriage was performed with one A.G.Gopinath on 01.06.2012 and out of the wedlock, a son by name Jai Adithya was born to them on 29.5.2013. The petitioner's family has been living in the house situated at Old No.10, New. No.1, Neeli Veeraswami First Lane, First Floor, Triplicane, Chennai 600 005. On 5.6.2015, the said A.G.Gopinath died due to illness. While so, 09.09.2017, the third and fourth respondents, who claimed themselves as the sons of petitioner's deceased husband, attempted to trespass in to the house where



she has been living and the same was prevented on the intervention of local police. Subsequently, they filed a suit in O.S.No.4173 of 2017 against the petitioner seeking permanent injunction. The petitioner also filed a suit in O.S.No.4853 of 2017 before the I Asst City Civil Court against the respondents 3 and 4 for permanent injunction. Meanwhile, the first respondent, by order dated 16.7.2018 cancelled the legal heirship certificate issued in favour of the petitioner at the instance of the third respondent and taking advantage of the same, the third and fourth respondents have made an application to the second respondent to issue legal heirship certificate in their favour. Apprehending that the second respondent may issue a legal heir certificate in favour of the respondents 3 and 4, the petitioner has filed the present writ petition to forbear the second respondent from issuing any such certificate to the respondents 3 and 4.

3. On 08.09.2021, when this writ petition was taken up for hearing, there was no representation for the petitioner, therefore, the writ petition was directed to be listed today under the caption 'for dismissal'. Today also, when the matter is called, there is no representation for the petitioner.

4. The learned Government counsel appearing for the respondents 1 and 2, on instructions, submitted that as against the order passed by the first respondent dated 16.07.2018 cancelling the legal heirship certificate issued in favour of the petitioner, the petitioner herein has preferred an appeal before the District Collector on 13.08.2018 and the same is still pending

5. In view of the above said submission made by the learned Government counsel for the respondents 1 and 2, this Court directs the Appellate Authority/District Collector to dispose of the appeal said to be pending, within a period of four weeks from the date of receipt of copy of the order, if not disposed of earlier. Accordingly, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

msr/rsh



To

1. The District Collector,
Chennai.

2. The Revenue Divisional Officer,
Egmore Division, Chennai-31.

3. The Tahsildar,
Mylapore Taluk,
Chennai 600 028.

WP No.25870 of 2018

PCH (CO)
K.RK. (20.10.2021)