



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.06.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.2644 of 2021

Thahirunnisa

.. Petitioner

-Vs-

1. The District Collector,
Thiruvallur District,
No.205, National Highway,
Chennai - Thiruthani High Road,
Thiruvallur - 602 001.
2. The Tahsildar,
Thiruvallur Taluk,
Thasildar office, J.N. Mroad,
No.716, National High Road,
Thiruvallur - 602 001.

3. Gousiya

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st and 2nd respondents to consider the representation dated 12.11.2020 and conduct enquiry within a stipulated time and include the petitioner's name in the legal heir certificate dated 13.06.2016 issued by the 2nd respondent otherwise cancel the legal heir certificate dated 13.06.2016 issued by the 2nd respondent and issue a fresh legal heir certificate by including the petitioner as one of the legal heirs of Late P.K.Syed Mohamood.

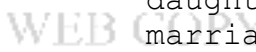
For Petitioner : Mr.S.Sathyaraj

For Respondents : Mr.T.Seenivasan,
1 & 2 Special Government Pleader

R3 : No Appearance

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the 1st and 2nd respondents to consider the petitioner's representation dated 12.11.2020 seeking for



2. According to the petitioner, the 3rd respondent is the daughter born to her husband, Syed Mohamood through his first marriage with Fathima Khatoon. According to the petitioner, Fathima Khatoon pre-deceased her husband on 23.01.1983. According to the petitioner, after the death of Fathima Khatoon, the petitioner married Syed Mohamood and she is his legally wedded wife. According to the petitioner, Syed Mohamood died on 14.11.2015 leaving behind the petitioner, the 3rd respondent and the petitioner's son Syed Mohamood as his only legal heirs. However, according to the petitioner, the 3rd respondent has obtained a legal heir certificate from the 2nd respondent which excludes the petitioner as one of the legal heirs of the deceased Syed Mohamood. The petitioner has given a representation on 12.11.2020 to the 1st and 2nd respondents requesting them to issue a legal heirship certificate for her deceased husband Syed Mohamood by including her name also along with the 3rd respondent as well as Syed Mazood, her son as the legal heirs. Since the representation has not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr.S.Sathyaraj, learned counsel for the petitioner and Mr.T.Seenivasan, learned Special Government Pleader appearing for the 1st and 2nd respondents. The 3rd respondent has refused to receive notice in this writ petition as seen from the cause list. Hence, it is deemed that the 3rd respondent has received the notice.

4. No prejudice would be caused to the respondents if the petitioner's representation seeking for including her name also as one of the legal heirs of her deceased husband Syed Mohamood in the legal heirship certificate is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the 3rd respondent as well as any other necessary party whom the 2nd respondent deems fit to enquire. The petitioner has filed documents along with this writ petition which includes her Aadhaar card and marriage certificate to substantiate her claim that she is the legally wedded wife of the deceased Syed Mohammed and she is also one of his legal heirs. It is for the 2nd respondent to consider the said documents on merits and in accordance with law after holding an enquiry and after affording a fair hearing to the petitioner and the 3rd respondent as well as any other necessary party whom the 2nd respondent deems fit to enquire. Since the legal heirship certificate has already been issued for the deceased Syed Mohamood disclosing the 3rd respondent and Syed Mazood as the only legal heirs, the representation of the petitioner will have to be treated as a statutory appeal and has to be considered by



the 1st respondent.

5. For the forgoing reasons, this Court directs the 1st respondent to treat the petitioner's representation dated 12.11.2020 as a statutory appeal with regard to the issuance of the legal heirship certificate by the 2nd respondent and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the 3rd respondent and any other necessary party whom the 1st respondent deems fit to enquire, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The District Collector,
Thiruvallur District,
No.205, National Highway,
Chennai - Thiruthani High Road,
Thiruvallur - 602 001.
2. The Tahsildar,
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Thasildar office, J.N. Mroad,
No.716, National High Road,
Thiruvallur - 602 001.

+1cc to Mr.S.Sathyaraj, Advocate, S.R.No.37749
+1cc to the Special Government Pleader, S.R.No.38813

W.P.No.2644 of 2021

NK(CO)
CT/07/07/2022