



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.3787 of 2022
and
W.M.P.No.3914 of 2022

Mrs.M.G.Anusuya

...Petitioner

Vs

1.The State of Tamil Nadu,
represented by its;
The District Collector,
Collectorate Office,
Chengalpattu District,
Tamil Nadu - 603 111.

2.The State of Tamil Nadu,
represented by its:
The Tahsildar,
Vandalur Taulk Office,
Otteri, Peerakankaranai,
Chengalpattu District,
Tamil Nadu - 600 048.

3.The State of Tamil Nadu,
represented by its:
The Village Administrative Office,
VOC Nagar, Chengalpattu District,
Tamil Nadu - 603 001.

4.Mrs.Nellofer

5.Mrs.Lilly

6.Ms.Raziga

7.Ms.Sakina

... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India, to issue a Writ of Certiorarified
Mandamus, call for the records impugned order in Legal Heir



Certificate No.TN-7202007101821 dated 22.07.2020 on the file of second respondent herein and quash the same as illegal and issue a fresh Legal Heir Certificate by including my name and my son K.Akileswar, name.

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For Petitioner : Mr.S.M.Raghuram

For Respondents 1 to 3 : Mr.Vadivelu Deenadayalan

Additional Government Pleader

O R D E R

The challenge in this matter is to a legal heir certificate issued relating, and pursuant to the demise of one T.Kishore, S/o.Thulasi Ram Singh, who expired on 28.06.2020, wherein the name of the petitioner and her son by name K.Akileswar. The petitioner claims to be lawfully wedded to the said T.Kishore from which union the said Akileswar had been begotten in 2011.

2. Mr.Vadivelu Deenadayalan, learned Additional Government Pleader accepts notice to the official respondents, and upon instructions, would accede to the position, that the son of the petitioner is liable to be included in the legal heir certificate. He has filed memo dated 24.02.2022 to aforesaid effect, reading as follows:

"1. It is submitted that the subject Writ Petition had come up for Admission hearing in Court No.10 as Item No.25. When the matter was taken up, it was submitted by me, based on oral instructions, that the Respondent No.2 already has informed the Petitioner during the enquiry proceedings on 10.01.2022 that the name of her son would be included in the legal heir certificate and a fresh certificate would be reissued.

2. The Hon'ble Court recorded the aforesaid submission and disposed off the subject Writ Petition with a detailed order containing directions to the parties. Further, the Hon'ble Court directed me to file a Memo in relation to the instructions provided to me by Respondent No.2 which was submitted before the Hon'ble Court based on which the final order was passed.

3. Pursuant to the above directions of this Hon'ble Court, the subject memo is filed. It is submitted that subsequent to the passing of the aforesaid orders, the Respondent No.2 has now also provided written instructions to the same effect as to what was provided orally in the morning to the



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Additional Government Pleader, a copy whereof is annexed herewith.

4. Inheritance right of children born out of void / voidable marriage is discussed in the final judgment dated 31.03.2011 passed by the Hon'ble Supreme Court of India in the case of 'Revanasiddappa and another Vs. Mallikarjun and another', Civil Appeal No.2844 of 2011."

3. In view of this undisputed decision no notice is thought necessary to private respondents 4 to 7.

4. In light of the aforesaid, restricted mandamus is issued, and a direction is given to R-2 to re-issue that legal heir certificate issued on 22.07.2020 including the name of K.Akileswar, born to T.Kishore. As regards the inclusion or otherwise of the name of the petitioner, let her file a representation before the concerned authority in that regard enclosing sufficient supporting evidences, upon receipt of which, the authority will hear her as well as the private respondents by issue of notices and pass appropriate orders, in accordance with law.

5. This Writ Petition is disposed as above. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

Jeni/Svn

To

1.The District Collector,
The State of Tamil Nadu,
Collectorate Office,
Chengalpattu District,
Tamil Nadu - 603 111.

2.The Tahsildar,
The State of Tamil Nadu,
Vandalur Taulk Office,
Otteri, Peerakankaranai,
Chengalpattu District,
Tamil Nadu - 600 048.



3.The Village Administrative Office,
The State of Tamil Nadu,
VOC Nagar, Chengalpattu District,
Tamil Nadu - 603 001.

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+1cc to Mr.S.M.Raghuram, Advocate SR.No.12943
+1cc to the Government Pleader SR.No.13029

W.P.No.3787 of 2022

GPL (CO)

GN (01/04/2022)