

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.14330 of 2022

Rihana Begam

... Petitioner

vs.

1.The District Collector,  
Collectorate,  
Singaravellar Maligai,  
Chennai.

2.The Tahsildar,  
Perambalur Taluk,  
Perambur,  
Chennai District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the second respondent to issue a legal heir certificate to the petitioner based upon the petitioner's representation dated 18.04.2022.

For Petitioner : Mr.A.Gouthaman

For Respondents : Mr.T.Seenivasan,  
Special Government Pleader

ORDER

This writ petition has been filed for mandamus seeking for a direction to the second respondent to consider the petitioner's representation dated 18.04.2022 seeking for issuance of legal heirship certificate for her deceased husband Mohammad Kareemullah Sharieff who died on 07.01.2017.

2. Mr.T.Seenivasan, learned Special Government Pleader accepts notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final hearing in the admission stage itself.

3. The petitioner claims to be the wife of the deceased Mohammad Kareemullah Sharieff. The petitioner along with this writ petition has filed a self declaration form submitted by her with the respondent which discloses that she is the wife of the

deceased Mohammad Kareemullah Sharieff and she has got five sons and one daughter out of the wedlock. The death certificate of Mohammad Kareemullah Sharieff has also been filed along with this writ petition which discloses that he died on 07.01.2017. The petitioner has given representations seeking for issuance of legal heirship certificate and the last such representation was given on 18.04.2022. Since the representation of the petitioner has not been considered till date, she has filed this writ petition.

4. Heard Mr.A.Gouthaman, learned counsel for the petitioner and Mr.T.Seenivasan, learned Special Government Pleader for the respondents.

5. The application seeking for issuance of legal heirship certificate was earlier submitted by the petitioner through offline in the year 2019. Further the application submitted in the year 2019 is very old. Since the application seeking for issuance of legal heirship certificate will have to be submitted online, the petitioner will have to submit a fresh online application. This court deems it fit to direct the second respondent to consider the online application on merits and in accordance with law, once the same is submitted by the petitioner within a time frame to be fixed by this Court. No prejudice would be caused to the respondents, if such a direction is issued by this court.

6. For the foregoing reasons, this Court directs the petitioner to submit a fresh online application with the second respondent seeking for issuance of legal heirship certificate for her late husband Mohammad Kareemullah Sharieff within a period of one week from the date of receipt of a copy of this Order. On receipt of the same, the second respondent shall pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and other legal heirs of the deceased Mohammad Kareemullah Sharieff and any other necessary party whom the second respondent deems fit to enquire including granting them a right of personal hearing within a period of twelve weeks from the date of receipt of online application from the petitioner.

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

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,  
Collectorate,  
Singaravellar Maligai,  
Chennai.

2.The Tahsildar,  
Perambalur Taluk,  
Perambur,  
Chennai District.

+1cc to Mr.A.Gouthaman, Advocate, S.R.No.34002

+1cc to the Government Pleader, S.R.No.34562

W.P.No.14330 of 2022

PMK(CO)  
SB(20/06/2022)