



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.14708 OF 2022

I.S.Kamrunisha

..Petitioner

-Vs-

1. The District Collector,
Collector Office, GST Road,
Chengalpattu district - 603 001.
2. The Revenue Divisional Officer,
Tambaram,
Chennai - 600 045
3. The Tahsildar,
Taluk Office, Pallavaram,
Chennai - 600 040
4. The Village Administrative Officer,
Mutharulandi Nagar, Anakaputhur,
Chennai - 600 070.
5. Maha Boobjan.
W/o K.Mohamed Ismail Sharieff
6. I.S.Khalilur Rahman,
S/o K.Mohamed Ismail Sharieff
7. I.S.Fuzlur Rahman
S/o K.Mohamed Ismail Sharieff
8. I.S,Hifzur Rahman
S/o K.Mohamed Ismail Sharieff
9. I.S.Mujee Bunnisa
D/o K.Mohamed Ismail Sharieff

..Respondents



Prayer:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 4 to consider the petitioner representation dated 27.05.2022 and to issue legal heirs certificate of the petitioner's father Mr.K.Mohamed Ismail Sharieff.

For Petitioner : Mr.K.R.Pughazhendhi

For Respondents : Mr.B.Vijay,
Additional Government Pleader
for R1 to R4

O R D E R

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. This writ petition has been filed for a Mandamus seeking a direction to the 1st to 4th respondents to consider the petitioner's representation dated 27.05.2022 requesting the official respondents to issue legal heirship certificate for the petitioner's late father Mr.K.Mohamed Ismail Sharieff, who died intestate on 18.04.2022. Since the representation has not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr.K.R.Pughazhendhi, learned counsel for the petitioner, and Mr.B.Vijay, learned Additional Government Pleader, accepts notice on behalf of the 1st to 4th respondents.

4. On instructions, the learned Additional Government Pleader would submit that the petitioner will have to submit a fresh online application seeking for issuance of legal heirship certificate and only then, her application will be considered on merits and in accordance with law, after affording a fair hearing to the petitioner and other legal heirs of the deceased.

5. No prejudice would be caused to the respondents, if the petitioner is directed to submit a fresh online application seeking for issuance of legal heirship certificate and a direction is issued to the 3rd respondent that on receipt of the online application from the petitioner, he shall pass final order with regard to the request made by the petitioner for legal heirship certificate for her deceased father within a time frame to be fixed by this Court.

6. For the forgoing reason, this Court directs the



petitioner to submit a fresh online application with the 3rd respondent seeking issuance of legal heirship certificate for her deceased father, K.Mohamed Ismail Sharieff, who died on 18.04.2022, within a period of one week from the date of receipt of a copy of this order. On receipt of the online application, the 3rd respondent shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the respondents 5 to 9, whom the petitioner claims as the other legal heirs, including granting them the right of personal hearing, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1. The District Collector,
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Chengalpattu district - 603 001.
2. The Revenue Divisional Officer,
Tambaram,
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3. The Tahsildar,
Taluk Office, Pallavaram,
Chennai - 600 040
4. The Village Administrative Officer,
Mutharulandi Nagar, Anakaputhur,
Chennai - 600 070.

+1cc to Mr.K.R.Pughazhendhi, Advocate, S.R.No.35167
+1cc to Mr.A.Arunkumar, Advocate, S.R.No.35168
+1cc to the Special Government Pleader, S.R.No.36447

W.P.No.14708 of 2022

SKM(CO)
PM/23/06/2022