



W.P.No.26070 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.26070 of 2022

S.Anitha

.... Petitioner

-Vs-

1.The Tahsildar
Office of the Taluk Head Office
Cuddalore District.

2.The Additional Deputy Tahsildar
Office of the Taluk Head Office
Cuddalore District.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to delete the petitioner's father-in-law's name A.Subramanian in the legal heir certificate of Late S.Raja issued in Pa.Mu.(A6)-10721/2011 dated 25.10.2011 and thereby issue fresh legal heir certificate by mentioning the petitioner's name and her son's name ie., 1.S.Anitha, 2.A.R.Koushik and 3.A.R.Koushal within a stipulated time by considering the petitioner's representation dated 12.02.2022.

For Petitioner : Mr.N.Vijaya Basker

For Respondents : Mr.Vadivelu Dheenadayalan
Additional Government Pleader

ORDER



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The prayer sought for herein is for a Writ of Mandamus directing the respondents to delete the petitioner's father-in-law's name A.Subramanian in the legal heir certificate of Late S.Raja issued in Pa.Mu.(A6)-10721/2011 dated 25.10.2011 and thereby issue fresh legal heir certificate by mentioning the petitioner's name and her son's name ie., 1.S.Anitha, 2.A.R.Koushik and 3.A.R.Koushal within a stipulated time by considering the petitioner's representation dated 12.02.2022.

2. The respondent Tahsildar has given a legal heirship certificate of the deceased person viz., S.Raja and in the said certificate the name of the petitioner as wife, and two sons as well as the father of the deceased have been shown as legal heirs. In this regard, it is the objection on the part of the petitioner that the father of the deceased is only a Class II legal heir. When that being so, when the Class I legal heirs like the wife and children are alive, the Class II legal heir's name need not be included in the legal heirship certificate. In this regard, the petitioner has given a representation dated 12.02.2022 and the said representation if it is directed to be considered and a revised certificate is directed to be issued within a time frame that may be stipulated by this court, the petitioner would be satisfied.

3. Heard Mr.Vadivelu Dheenadayalan, learned Additional Government



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Pleader appearing for the respondents, who would submit that as per the guidelines issued by the Government through Letter No.9633 dated 29.09.2022 of the Revenue and Disaster Management Department, the request of the petitioner through her representation dated 12.02.2022 would be considered and orders would be passed thereon on merits and in accordance with law.

4. Considering the limited scope of the prayer sought for and having regard to the submissions made by the learned counsel for the parties, this writ petition is disposed of with a direction to the respondents to consider the representation of the petitioner dated 12.02.2022 and decide the same on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order along with a copy of the representation dated 12.02.2022 to be submitted by the petitioner. No costs.

29.09.2022

Index : Yes/No
Internet : Yes/No
KST

R. SURESH KUMAR, J.

KST



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To

- 1.The Tahsildar
Office of the Taluk Head Office
Cuddalore District.
- 2.The Additional Deputy Tahsildar
Office of the Taluk Head Office
Cuddalore District.

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