



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.4752 of 2022

B.Fathima Beevi

... Petitioner

vs.

1.The District Collector,
Office of the District Collector,
Madurai.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Usilampatti, Madurai District.

3.The Tahsildar,
Peraiyur, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to conduct the enquiry in Na.Ka.No.130/2022/A3 and pass suitable orders within a stipulated time that may be fixed by this Court.

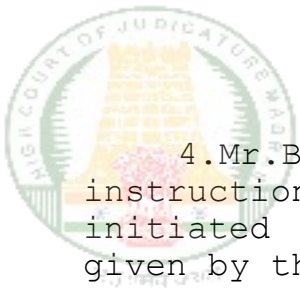
For Petitioner :Mr.B.Fazil Kirmani
For Respondents :Mr.B.Saravanan
Additional Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the second respondent to conduct the enquiry on the petitioner's representation, dated 03.01.2022 seeking for cancellation of the legal heirship certificate issued on an application submitted by the petitioner's daughter-in-law, Raviya Begum, by declaring that the petitioner is dead.

2.The legal heirship certificate was obtained for Ibrahim Sha, who died on 04.11.2016. The petitioner has submitted a representation, dated 03.01.2022 to the official respondents calling upon them to cancel the legal heirship certificate, dated 26.12.2016 issued for Ibrahim Sha. Since the said representation has not been considered till date, the petitioner has filed this Writ Petition.

3.Heard Mr.B.Fazil Kirmani, learned Counsel for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the respondents.



4.Mr.B.Saravanan, learned Additional Government Pleader, on instructions, would submit that proceedings have already been initiated by the third respondent pursuant to the representation given by the petitioner. The said statement is recorded.

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5.No prejudice will be caused to the respondents, if the petitioner's representation seeking for cancellation of legal heirship certificate issued for Ibrahim Sha, is considered on merits and in accordance with law after affording a fair hearing to the petitioner as well as the other legal heirs of the deceased Ibrahim Sha and also any other necessary party, whom the third respondent deems fit to enquire.

6.It is the contention of the petitioner that in the application submitted by her daughter-in-law seeking for issuance of legal heirship certificate for Ibrahim Sha, she has disclosed that the petitioner, who is her mother-in-law as dead while she is very much alive. This factor will have to be considered only by the third respondent in the final order to be passed by him with regard to the representation given by the petitioner seeking cancellation of the legal heirship certificate, dated 26.12.2016 issued for Ibrahim Sha.

7.For the foregoing reasons, this Court directs the third respondent to pass final orders on the petitioner's representation, dated 03.01.2022 seeking for cancellation of the legal heirship certificate, dated 26.12.2016 issued in the name of Ibrahim Sha and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner as well as the other legal heirs of the deceased Ibrahim Sha and also any other necessary party, whom the third respondent deems fit to enquire, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

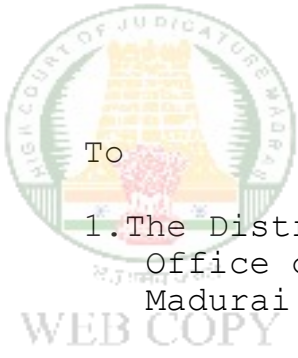
Assistant Registrar (A.D.I)

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/ /2022

Sub Assistant Registrar(CS)

cmr



To

1.The District Collector,
Office of the District Collector,
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2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Usilampatti, Madurai District.

3.The Tahsildar,
Peraiyur, Madurai District.

+1 CC to M/s.SPL GP (SR-13005[F] dated 18/03/2022)

W.P. (MD)No.4752 of 2022
17.03.2022

RD(30.03.2022) 3P 5C