



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.4929 of 2022

A.Basheera Banu

... Petitioner

Vs.

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

2. The Tahsildar,
Madurai North Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to issue the Legal Heirship Certificate to the petitioner and her daughter based on her application vide Registration No. TN 7202202151274 dated 15.02.2022 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.C.Gangai Amaran

For Respondents : Mr.M.Lingadurai
Special Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to issue legal heirship certificate to the petitioner and her two daughters based on the petitioner's application dated 15.02.2022 within a time frame to be fixed by this Court.

2.The case of the petitioner is that she is a legally wedded wife of Alla Pitchai, who died on 29.06.2016. According to the petitioner, she and her two daughters namely, Rabiya and Sumaya are the only legal heirs of the deceased Allah Pitchai. The petitioner has submitted an application on 15.02.2022 with the respondents requesting for issuance of legal heirship certificate for Alla Pitchai, disclosing the petitioner and her two daughters as his only legal heirs. Since the said application has not been considered



till date, the petitioner has filed this writ petition.

3. Heard Mr.C.Gangai Amaran, learned Counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader who accepts notice on behalf of the respondents.

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4. On instructions, learned Special Government Pleader would submit that Alla Pitchai is having two wives and the second wife has raised objection for issuance of legal heirship certificate in favour of the petitioner by disclosing the names of the petitioner and her two daughters as the only legal heirs.

5. Admittedly, the application dated 15.02.2022 submitted by the petitioner seeking for issuance of legal heirship certificate has not been considered till date.

6. No prejudice would be caused to the second respondent if the petitioner's application is considered on merits and in accordance with law after affording a fair hearing to the petitioner and other necessary parties whom the second respondent deems fit to enquire including the second wife and her children.

7. Accordingly, this Court directs the second respondent to consider the petitioner's application dated 15.02.2022 seeking for issuance of legal heirship certificate for the deceased Alla Pitchai and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner, her two children and also the second wife of the deceased Alla Pitchai and her children and any other party whom the second respondent deems fit to enquire within a period of three [3] months from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

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

<https://hcservices.ecourts.gov.in/hcservices/>



2. The Tahsildar,
Madurai North Taluk,
Madurai District.

+1 CC to M/s.SPL GP (SR-13498[F] dated 22/03/2022)

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