



W.P(MD)No.24418 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.24418 of 2022

D.Swathi

... Petitioner

Vs.

1.The Tahsildar,
Thottiyam Taluk,
Trichy District.

2.The Village Administrative Officer,
Arasaloor Village,
Thottiyam Taluk,
Trichy District.

3.Mathavi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to incorporate the petitioner's name as a legal heir of her father Suresh in the legal heirship certificate issued to the third respondent, by considering the petitioner's representation dated 21.09.2022.

For Petitioner : Mr.T.Lenin Kumar

For R1 & R2 : Mr.D.Gandhiraj
Special Government Pleader



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ORDER

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This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to incorporate the petitioner's name as a legal heir of her father Suresh in the legal heirship certificate issued to the third respondent, by considering the petitioner's representation dated 21.09.2022.

2. The case of the petitioner is that her father Suresh was working as a Constable in Srirangam Police Station and died on 09.01.2022, due to ill health. The petitioner's father Suresh married the petitioner's mother Jeya as second wife, when his first marriage with the third respondent was alive. Due to misunderstanding between the petitioner's father and mother, she and her mother living with her maternal grand mother. The third respondent applied for legal heirship certificate before the first respondent, without adding the petitioner's name. Hence, she sent a lawyer notice to the respondents 1 and 2. The first respondent, without considering her request and without adding the petitioner as one among the legal heirs of the petitioner's father, issued the legal heirship certificate to the third respondent. On the strength of the same, the third respondent has applied for terminal benefits before the Commissioner of Police, Trichy District. Hence, she approached the second respondent. But the second respondent did not take any steps to incorporate the petitioner's name in



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the legal heirship certificate of the third respondent. Aggrieved over the same, she sent a representation to the first respondent on 21.09.2022. Since the said representation has not been considered so far, the petitioner has filed the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

4. Considering the above said facts, this Court is of the view that even though the petitioner being the second wife's daughter, she is entitled for the share in the estate of the deceased father. Hence, the first respondent is directed to consider the petitioner's representation, dated 21.09.2022 and pass appropriate orders on the said representation received, after giving an opportunity to the parties concerned and perusing all the relevant documents produced by the petitioner to prove that she is the daughter of Late Suresh, within a period of fourteen weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

27.10.2022

akv



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To

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- 1.The Tahsildar,
Thottiyam Taluk,
Trichy District.
- 2.The Village Administrative Officer,
Arasaloor Village,
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Trichy District.



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V.BHAVANI SUBBAROYAN, J.

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