



W.P.No.17226 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.17226 of 2023

M.M.Sajitha Fathima

... Petitioner

vs.

1. The State of Tamil Nadu,
Represented by the Secretary to the Government,
Department of Revenue and Disaster Management,
Chennai.
2. The Tahsildar,
Sholinganallur Taluk,
Chennai.
3. Village Administrative Officer,
Sholinganallur Taluk,
Chennai.
4. The Revenue Inspector,
Sholinganallur Taluk,
Chennai.
5. The Revenue Divisional Officer,
Chennai South,
Guindy,
Chennai – 600 032.



W.P.No.17226 of 2023

6. The District Revenue Officer,
62, Rajaji Salai,
Chennai Collectorate,
Chennai – 600 001.

7. The District Collector,
Fourth Floor, M.Singaravelar Maaligai,
62, Rajaji Salai,
Chennai Collectorate,
Chennai – 600 001.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, directing the 6th respondent to consider and dispose the revision filed by the petitioner on 05.04.2023 as expeditiously as possible.

For Petitioner : Mr.Thriyambak.J.Kannan

For Respondents : Mr.M.Alagu Goutham

ORDER

This writ petition has been filed seeking for issuance of a writ of mandamus to direct the 6th respondent to consider and dispose the revision filed by the petitioner on 05.04.2023 as expeditiously as possible.

2. Mr.M.Alagu Goutham, learned Government Advocate accepts notice for respondents. In view of the consent expressed by



W.P.No.17226 of 2023

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learned counsel on either side, this writ petition is taken up for final disposal at the stage admission itself.

3. It is the case of the petitioner that the petitioner claims that she is the daughter of the first wife of deceased Mohamed Meeran. After the demise of petitioner's mother, said Mohamed Meeran married one Nadhira Banu. Since there was a dispute between said Mohamed Meeran and Nadhira Banu, they got divorced. After which, said Meeran married one Najma Meeran, who raised the petitioner and her siblings. Subsequently, said Meeran passed away on 29.03.2018, pursuant to which, the petitioner filed an application dated 02.11.2022, seeking legal heirship certificate of his father one late Mohamed Meeran before the second respondent. However, the same was rejected by the second respondent on the ground that the second respondent is incompetent to issue legal heir certificate when the deceased had more than one wife. Aggrieved over the same the petitioner preferred an appeal before the fifth respondent in terms of the G.O.(Ms) No.478 dated 29.09.2022 stipulating the guidelines for issuance of legal heirship certificate, which appeal was rejected by the fifth respondent on 10.03.2023, by directing



W.P.No.17226 of 2023

WEB COPY

the parties to obtain the legal heirship certificate from this Court. As against which appeal, the petitioner preferred a revision before the sixth respondent by way of an application dated 05.04.2023. Since the same was not considered, the present writ petition has been filed.

4. Though very many grounds have been raised in the above writ petition, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the sixth respondent to consider the appeal filed by the petitioner dated 05.04.2023 and pass appropriate orders on merits and in accordance with law within the time frame that may be stipulated by this Court.

5. On the above contentions heard learned Government Advocate appearing for the respondents and perused the materials placed before this Court.

6. Admittedly, the petitioner is the daughter of first wife of deceased Mohamed Meeran. Seeking legal heirship certificate of the deceased Meeran, the petitioner, the third wife of said Mohamed Meeran



W.P.No.17226 of 2023

and sisters of the petitioner made an application before the revenue officials, which was objected by the petitioner's brother. It is also seen that the said application was rejected by the revenue officials after taking note of the fact that the deceased had three wives. Since the issue involved in the present writ petition pertains to disputed question of facts, the revenue officials is not the competent authority to decide the said issue. Hence, there is an alternative remedy available before the competent civil Court. However, this Court grants liberty to the petitioner and other legal heirs of said Mohamed Meeran to approach the competent civil Court to work out their remedy in the manner known to law.

7. With the above observation, this writ petition is disposed of with. No costs.

09.06.2023

Index : Yes/No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
(rap)



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WEB COPY

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WEB COPY



W.P.No.17226 of 2023

M.DHANDAPANI, J.

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W.P.No.17226 of 2023

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