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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.02.2024

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.2415 of 2024

V.Shanthakumari

... Petitioner

Vs

1. The Tahsildar,
Ayanavaram Taluk,
Chennai – 600 010.

2. Mrs.Devika

3. M.Gunasekaran

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider and pass order on the petitioner's representation dated 26.12.2023 which is seeking issuance of Legal Heir Certificate through online application TN-720231116603 dated 16.11.2023.

For Petitioner : Mr.S.Ezhumalai

For Respondents : Mr.S.John J. Raja Siingh
Additional Government Pleader - R1



W.P.No.2415 of 2024

ORDER

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Mr.S.John J.Raja Singh, learned Additional Government Pleader accepts notice for R1, being the Tahsildar, Ayanvaram Taluk, Chennai and is armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission. No notice is thought necessary to the private respondents, arrayed as R2 and R3, in light of order that is proposed to be passed now in this Writ Petition.

2. The petitioner seeks a mandamus directing R1 to consider and pass orders on her representation dated 26.12.2023. The plea therein is for issuance of Legal Heir Certificate in consideration of her online application bearing No.TN-720231116603 dated 16.11.2023.

3. A perusal of the documents accompanying the writ affidavit reveal that the petitioner has been repeatedly making applications dated 10.10.2023 bearing No.TN-7202310101724 and on 16.11.2023 bearing No.TN-720231116603.

4. It is the latter application that the petitioner pursues in this Writ Petition. She has also placed two messages received by her through Whatsapp at pages 21 and 23 of the compilation, which reveal that the applications filed on 10.10.2023 and 16.11.2023 have been rejected. The petitioner specifically avers that she has not been heard prior to the aforesaid Whatsapp messages.



W.P.No.2415 of 2024

5. There are factual issues involved in the request for issuance of legal heirship certificate, as the writ affidavit reveals that there is litigation pending between the petitioner and second and third respondents in relation to a settlement deed dated 28.08.2021 in O.S.No.6972 of 2023 before XI Assistant City Civil Court, Chennai.

6. Be that as it may, it is necessary for the first respondent to hear the petitioner before taking a decision on the applications. Thus, though the prayer of the petitioner is only for a mandamus for consideration of her representation, the same is moulded to say that the representation shall be considered without reference to the Whatsapp messages, placed at pages 21 and 23 of the typed set rejecting applications dated 10.10.2023 and 16.11.2023.

7. Application dated 16.11.2023 is restored to the file of R1. R1 will issue notice to the petitioner and to the private respondents as well as to all necessary parties, hear them, and take a view on the request made in application dated 16.11.2023, all within a period of eight (8) weeks from date of receipt of a copy of this order.

8. This Writ Petition is disposed as above. No costs.

05.02.2024

Index : Yes / No

Speaking order

Neutral citations: Yes



W.P.No.2415 of 2024

Dr.ANITA SUMANTH,J.

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To

The Tahsildar,
Ayanavaram Taluk,
Chennai – 600 010.

W.P.No.2415 of 2024

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