



W.P.No.22559 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.22559 of 2024

C.Thai

..Petitioner

Vs.

1. The District Collector,
Coimbatore District, Coimbatore.

2. The Thasildhar,
Annur Taluka,
Coimbatore District.

3. Annadurai

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to initiate action on the representation of the petitioner dated 13.07.2024 for removal of the name of the petitioner's daughter NANDHINI from the legal heirship certificate in TN-7201905201139 dated 6.6.2019 within a reasonable time to be fixed by this Court.

For Petitioner : Mr.K.A.Marappan

For Respondents : Mr.R.Neelakandan, AAG



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Assisted by Mr.G.Krishna Raj, AGP
for R1 and R2

ORDER

This Writ Petition has been filed seeking to direct the second respondent to initiate action on the representation of the petitioner dated 13.07.2024 for removal of the name of the petitioner's daughter NANDHINI from the legal heirship certificate in TN-7201905201139 dated 6.6.2019 within a reasonable time to be fixed by this Court.

2. It is the case of the petitioner that she married one Chinnadurai and out of the said wedlock, a female child was born. Thereafter, the said Chinnadurai died on 01.02.2012, leaving behind the petitioner and her daughter namely Nandhini and the third respondent who was born through the said Chinnadurai's first wife namely late Santhi. Since the name of the said Nandhini was included in the legal heir certificate of Kannan who is the brother of the petitioner's husband, the petitioner made a representation dated 13.07.2024 before the respondents seeking for removal of her daughter's name from the legal heir certificate. However, no action has been taken. Hence the petitioner has made the present petition seeking the



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aforesaid relief.

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3. Since no adverse order has been taken by the third respondent, notice to the third respondent is dispensed with.

4. Though very many grounds have been raised in the present writ petition, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the respondents 1 and 2 to consider the petitioner's representation dated 13.07.2024 and pass appropriate orders within the time frame that may be fixed by this Court.

5. Heard the learned counsel appearing for the respondents 1 and 2 and perused the materials placed on record.

6. It is the claim of the petitioner that the said Kannan is the brother of the petitioner's husband namely Chinnadurai and also that the revenue officials had erroneously included the name of the petitioner's daughter in the legal heir certificate of the said Kannan. However, on a perusal of the



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disputed legal heir certificate of said Kannan dated 06.06.2019, it appears that the name of said Nandhini who is aged about 28 years is included as a legal heir of said Kannan along with three others. Though the said Nandhini is a major, she has not made any application before the Revenue officials seeking to delete her name from the legal heir certificate of said Kannan. If at all the petitioner claims to be the biological mother of said Nandhini, there is a remedy available to the petitioner to approach the competent civil Court. However, without resorting to such remedy, filing the present writ petition under Article 226 of the Constitution of India is not sustainable. Hence the prayer sought for by the petitioner cannot be acceded to.

7. With the above observation, this writ petition is dismissed accordingly. No costs.

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

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