



W.P.No.26611 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.26611 of 2024

Jesima Banu

...Petitioner

Vs.

1. The District Collector,
Collector Office,
Tiruvarur.

2. The District Revenue Officer,
The Office of The District Revenue Officer,
Tiruvarur.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to consider the petitioner's representation dated 05.08.2024 and to pass order on her representation in accordance with law and consequently, directing the respondents to dispose the review petition dated 04.08.2023 and to cancel legal heirship certificate No. TN-720219202318 dated 24.09.2021 issued by the Tahsildar, Nannilam.

For Petitioner : Mr.M.Ganesh

For Respondents : Mr.R.Neelakandan, AAG,
Assisted by Mr.U.Baranidharan, AGP



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ORDER

WEB COPY This Writ petition has been filed seeking direction to the respondents to consider the petitioner's representation dated 05.08.2024 and to consequently dispose of the review petition dated 04.08.2023 and to cancel legal heirship certificate No.TN-720219202318 dated 24.09.2021 issued by the Tahsildar, Nannilam.

2. Mr.U.Baranidharan, learned Additional Government Pleader, takes notice on behalf of the respondents. In view of the consent expressed by the learned counsel on either side, this Writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that, the petitioner's father namely Allah Pitchai passed away on 04.03.2018 in United Emirates and her mother namely Megaraj Kani predeceased her father and the petitioner and her brother are the legal heirs of their parents. After the death of the petitioner's mother, the petitioner's father married one Samsul Hitha and they were blessed with one daughter. While so, after the death of the petitioner's father, the said Samsul Hitha/the 2nd wife of the petitioner's father obtained



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legal heirship certificate of the petitioner's father viz., Allah Pitchai in certificate No.TN-720219202318 dated 24.09.2021, by suppressing the children of the 1st wife, ie., the petitioner and her brother. Immediately thereafter, the petitioner made a representation dated 31.07.2023 before the 1st respondent and the same was forwarded to the District Revenue officer and subsequently, the same dismissed on 04.08.2023 on the ground of delay. Aggrieved by the same, the petitioner preferred a review petition dated 04.08.2023 before the 2nd respondent, pursuant to which, though there took place several correspondence in between the officials, no final order has been passed on the said review petition. Thereby, the petitioner made a representation dated 05.08.2024 to the respondents seeking to dispose of the petitioner's review petition and to consequently, cancel the legal heirship certificate bearing No.TN-720219202318 dated 24.09.2021, which evoked no response. Hence, this Writ petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted that it would suffice if this Court issues direction to the respondents to dispose of the review petition dated 04.08.2023 by considering the petitioner's representation dated 05.08.2024 and to



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consequently, cancel legal heirship certificate No.TN-720219202318 dated 24.09.2021 issued by the Tahsildar, Nannilam.

5. Learned Additional Advocate General appearing for the respondents submitted that, pursuant to the direction of the 1st respondent, the Tahsildar conducted enquiry and recommended for cancellation of the legal heirship certificate dated 24.09.2021 and to issue fresh legal heirship certificate by including all the legal heirs of the said Allah Pitchai and he fairly submitted that, appropriate orders will be passed on the petitioner's representation dated 05.08.2024 within the time stipulated by this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondents to consider the petitioner's representation dated 05.08.2024 on merits and in accordance with law and to consequently dispose of the petitioner's review petition dated 04.08.2023 within a period of four (4) weeks from the date of receipt of a copy of this order, after conducting appropriate enquiry by affording an opportunity of personal hearing to the petitioner and aggrieved persons, if any.



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7. With the above directions, this Writ petition stands disposed of. No costs.

10.09.2024

skt

NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

To

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Tiruvarur.
2. The District Revenue Officer,
The Office of The District Revenue Officer,
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M.DHANDAPANI, J.

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