



WEB COPY



W.P.No.27734 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.27734 of 2024

Sabira

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Chennai – North Division,
Puzhal, Chennai – 600 066.

2.The Tahsildar,
Purasaiwalkam,
Chennai – 600 003.

3.MohammadYousuf

4.Abdul Rahim

5.Sahitha

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to consider the appeal dated 24.01.2024 made by the petitioner against the order of the 1st respondent in Na.Ka.No.A1/1855/2022 dated 06.01.2023 consequently cancelling the legal heirship certificate of the petitioner's husband issued by the 2nd respondent and to issue new legal heir certificate include the petitioner's



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name as a wife of Late.Ameer Jan within the specific period of time fixed by this court.

For Petitioner : Mr.D.Magesh
For Respondents : Mr.R.Neelakandan
Additional Advocate General
Assisted by
Mr.S.Ravichandran
Additional Government Pleader [R1 & R2]

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Mandamus, to direct the 1st respondent to consider the appeal dated 24.01.2024 made by the petitioner against the order of the 1st respondent in Na.Ka.No.A1/1855/2022 dated 06.01.2023 consequently cancelling the legal heirship certificate of the petitioner's husband issued by the 2nd respondent and to issue new legal heir certificate include the petitioner's name as a wife of Late.Ameer Jan within the specific period of time fixed by this court.

2. Mr.U.Baranidharan, learned Additional Government Pleader, accepts notice on behalf of the respondents 1 and 2. In view of the consent expressed by the learned counsel for the parties, this writ petition is taken up for final disposal at the stage of admission itself.



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3. Since no adverse order has been passed against the respondents 3 to

5, notice to the respondents 3 to 5 is dispensed with.

4. The case of the petitioner is that, she married one Babu on 26.04.1992 and blessed with a daughter. Unfortunately, the said Babu died in a road accident on 15.05.1996. Thereafter, she married one Ameer Jan, who also lost his first wife on 14.08.2015. The said Ameer Jan and his first wife were blessed with two sons and one daughter, the respondents 3 to 5 herein and the said Ameer Jan struggled a lot to bring up his children, hence, he married the petitioner on 15.10.2017 and the same was registered in the office of the Chief Kazi to the Government of Tamil Nadu under Kazi Act, 1880. The said Ameer Jan died on 29.05.2020 and thereafter, the petitioner wrote a letter to the Registrar General of the Hon'ble High Court of Madras on 18.02.2021 requesting to disburse the pension of her 2nd husband to her and the same was forwarded by the Assistant Registrar to the Senior Accounts Officer and the petitioner was asked to submit the legal heirship certificate of her 2nd husband/AmeerJan to proceed further in disbursing the pension. Thereafter, the petitioner approached the respondents 1 to 3 and came to know that the respondents 3 to 5 herein had already obtained legal heirship certificate of the said Ameer Jan excluding the petitioner's name. Aggrieved by the same, the



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petitioner vide letter dated 14.07.2021 made representation/objection letter to the respondents 1 to 3 to cancel the legal heirship certificate of her 2nd husband and to issue new legal heirship certificate including the name of the petitioner as the wife of Late Ameer Jan. Since the same was not considered, the petitioner filed a writ petition before this court in W.P.No.24913 of 2021 and the same was disposed of vide order dated 22.11.2021, pursuant to which, the 2nd respondent passed an order dated 06.01.2023 refusing to cancel the legal heirship certificate. Aggrieved by the said order, the petitioner filed another writ petition before this court in W.P.No.20127 of 2023 to quash the said order and the same was disposed on 10.07.2023 directing the petitioner to file an appeal before the 1st respondent. Hence, she had preferred an appeal dated 24.01.2024 before the 1st respondent to cancel the legal heirship certificate of her 2nd husband and to issue new legal heirship certificate including her name as the wife of Late Ameer Jan. Since the said appeal was not considered, the petitioner has filed this writ petition before this court for appropriate orders.

5. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that, it would suffice, if this court,



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issues a direction to the 1st respondent to consider the appeal filed by the petitioner dated 24.01.2024 on merits and pass appropriate orders, within a time frame that may be stipulated by this court.

6. Considering the limited request made by the learned counsel for the petitioner, this court, without going into the merits of the case, directs the 1st respondent to consider the appeal filed by the petitioner dated 24.01.2024 on merits and in accordance with law and pass appropriate orders, after providing an opportunity of personal hearing to the petitioner as well as the interested parties, if any, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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

23.09.2024

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
sp

M.DHANDAPANI, J.

sp



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To

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