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W.P.No.30139 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM :

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

W.P.No.30139 of 2024

Jayarani

... Petitioner

Vs.

1.The District Collector,
Tirupathur District,
Tirupathur.

2.Jayanthi

... 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 representation consequently to conduct enquiry and to cancel illegally obtained legal heir certificate and to issue New Legal heir certificate based on the representation dated 15.07.2024.

For Petitioner : Mr.M.Navin Kumar

For Respondents : Mr.R.Neelakandan
Additional Advocate General
Assisted by
Mr.U.Baranidharan
Additional Government Pleader [R1]



W.P.No.30139 of 2024

WEB COPY

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Mandamus, to direct the 1st respondent to consider the representation consequently to conduct enquiry and to cancel illegally obtained legal heir certificate and to issue New Legal heir certificate based on the representation dated 15.07.2024.

2. Mr.U.Baranidharan, learned Additional Government Pleader, accepts notice on behalf of the 1st respondent. 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.

3. Since no adverse order has been passed against the 2nd respondent, notice to the 2nd respondent is dispensed with.

4. The case of the petitioner is that, she got married to one Paneerselvam in the year 1982 and out of the said wedlock, two sons were born. On 21.10.2000, her husband died leaving behind the petitioner and her children as legal heirs and they have obtained a legal



W.P.No.30139 of 2024

WEB COPY

heir certificate on 31.01.2001, in which, the revenue authorities have mistakenly and illegally added the name of the 2nd respondent as 2nd wife of her deceased husband, even though the petitioner does not got divorced with her deceased husband. Hence, she made a representation before the 1st respondent on 15.07.2024 for cancellation of the legal heir certificate and to issue new legal heir certificate after conducting enquiry. Thereafter, she received a message to her mobile number that her representation has been rejected and she approached the officials in person and enquire the reason about rejection of her representation, for which, they simply asked her to get court order to issue new legal heir certificate. Hence, the petitioner has filed the present writ petition.

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, issues a direction to the 1st respondent to cancel the illegally obtained legal heir certificate and to issue new legal heir certificate based on the petitioner's representation dated 15.07.2024, within a specified time frame that may be stipulated by this court.



W.P.No.30139 of 2024

WEB COPY

6. Learned Additional Advocate General assisted by learned Additional Government Pleader appearing for the 1st respondent submitted that, the representation of the petitioner dated 15.07.2024 was considered and disposed of, vide order dated 02.08.2024 directing the petitioner to workout the remedy before the civil court. Without challenging the said order, filing the present writ petition is not sustainable. Accordingly, he prays for dismissal of the writ petition.

7. In the light of the above submissions, this writ petition is dismissed. However, liberty is granted to the petitioner to workout the remedy before the competent civil court in the manner known to law. No costs.

15.10.2024

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



W.P.No.30139 of 2024

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Tirupathur District,
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WEB COPY



W.P.No.30139 of 2024

M.DHANDAPANI, J.

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W.P.No.30139 of 2024

15.10.2024