



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.01.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.35362 of 2023

Mary Francis @ Blampain Lally

.... Petitioner

Vs

- 1.The District Collector
Collectorate, Chennai.
- 2.The Revenue Divisional Officer,
RDO's Office, Central Chennai Division,
Tirumangalam High Road,
Chennai – 600 1010
3. The Tahsildar
Taluk Office, Egmore Taluk
Egmore, Chennai.
4. The Revenue Inspector
Taluk Office, Egmore Taluk,
Egmore, Chennai.
5. Rosy
6. Julie Susai
7. A.K.Rafiq

.... Respondents



PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents 2 and 3 to cancel the legal heirship certificate of the petitioner's brother Late R.Suresh dated 23.05.2017 under Pa.Mu.E4/3058/2017, based on the petitioner's written representation dated 19.06.2023.

For Petitioner : Mr.Thanga Vadhana Balakrishnan
For Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader

ORDER

Mr.Stalin Abhimanyu, learned Additional Government Pleader accepts notice for R1 to R4 and is armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission. In light of order that is proposed to be passed, no notice is thought necessary to the private respondents, arrayed as R5 to R7.

2. The petitioner is aggrieved by the issuance of legal heirship certificate bearing No.Pa.Mu.E4/3058/2017 dated 23.05.2017, pursuant to the demise of her brother Late R.Suresh on 03.08.1997, where her name stands excluded.

3. The petitioner has made various allegations in the writ affidavit in regard to the omission and commission conducted by the private respondents.



The writ affidavit reveals that she has also approached the XI Assistant City Civil Judge, Chennai in regard to a connected cause of action.

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4. This Court does not thus, deem it appropriate to refer to the various allegations in the writ affidavit for the reason that no notice has been issued to the private respondents at this juncture and they have not been heard and in any event, all averments are factual in nature.

5. That apart, Mr.Stalin would point out that the petitioner has made a representation on 19.06.2023 in regard to the same grievance as set out in this Writ Petition and enquiry is on-going.

6. Learned counsel for the petitioner would also confirm that the petitioner is appearing for the enquiry before R2/Revenue Divisional Officer, Thirumangalam High Road, Chennai and her statement has been recorded.

7. In such circumstances, it would not be appropriate to issue a positive mandamus of the nature sought for by the petitioner, to direct the official respondents to cancel the legal heirship certificate dated 23.05.2017.

DR.ANITA SUMANTH, J.



8. It would suffice instead, to direct R2 to continue the enquiry, hear the petitioner as well as the private respondents and any others that are necessary for a proper resolution of the matter and pass orders on representation dated 19.06.2023 in accordance with law and all prevailing Rules and Regulations, within a period of six (6) weeks from date of receipt of a copy of this order.

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

03.01.2024

Index : Yes/No

Speaking Order: Yes

Neutral Citation: Yes/No

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To

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