



W.P.(MD).No.1666 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.1666 of 2024

Mangathai

... Petitioner

vs.

1.The District Collector,
Tenkasi.

2.The Revenue Divisional Officer,
Sankarankovil,
Tenkasi District.

3.Tahsildar,
Thiruvengadam Taluk,
Tenkasi District.

4.Kanagaraj

5.Vijayalakshmi @ Vijaya

6.Saraswathy

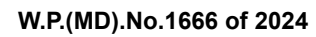
7.Rajeswari

8.Kanthaleela

9.Athilakshmi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1, 2 to hold an enquiry on the issue a legal heirship certificate in favour of the respondents 4 – 9 and their deceased mother vide proceedings



For Petitioner : Mr.S.Sivailayaraja
For R-1 to R-3 : Mr.SRA.Ramachandran,
Additional Government Pleader

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2, to hold an enquiry on the issuance of a legal heirship certificate in favour of the respondents 4 to 9 and their deceased mother vide proceedings, dated 21.10.2008, by considering the petitioner's representation, dated 22.12.2020 and 24.06.2021 and pass necessary order/s within a stipulated period.

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lifetime, the petitioner's father look after her and the petitioner studied upto 8th standard and was given marriage to one Kandasamy on 02.06.1976. The petitioner's father died on 21.03.2003. Thereafter, dispute arose between the siblings in enjoying the property. Subsequently, when the petitioner applied for encumbrance certificate, she came to know that the respondents 4 to 9, divided the property among themselves and also executed a deed in favour of the fourth respondent, based on the legal heirship certificate issued by the third respondent, dated 21.10.2008, which was obtained by suppression of facts. Hence, the petitioner made a representation before the authorities on 22.12.2020 and 24.06.2021, to hold an enquiry and to issue fresh legal heirship certificate. Since no action has been taken by the authorities on the petitioner's representation, the petitioner has filed this writ petition with the aforesaid prayer.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.



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4. Considering the above facts, this Court, without expressing any opinion on the merits of the matter, directs the second respondent to consider the request of the petitioner as she is one of the legal heirs of Appasamy Naicker, by considering the petitioner's representation, dated 24.06.2021 and pass appropriate orders, after conducting enquiry and after providing opportunity to all the parties concerned, on merits and in accordance with law, within a period of sixteen weeks from the date of receipt of a copy of this order.

5. The petitioner is also directed to produce all the relevant documents to show that she is one of the legal heirs of Appasamy Naicker.

6. With the above directions, the writ petition stands disposed of.
No Costs.

30.01.2024

Index: Yes/No
NCC: Yes/No
PM



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V.BHAVANI SUBBAROYAN,J.

PM

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