



W.P.(MD)No.26743 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.26743 of 2024

Bousin Nisha

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai South Taluk,
Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to issue legal heirship certificate to the petitioner, based on the application of the petitioner dated 20.07.2024 and the consequential representation dated 02.09.2024.

For Petitioner	: Mr.S.Karthick Ramkumar
For Respondents	: Mr.D.S.Neduncheliyan Government Advocate

ORDER

Mr.D.S.Neduncheliyan, learned Government Advocate takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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2.The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the 2nd respondent to issue legal heirship certificate to the petitioner, based on the application of the petitioner dated 20.07.2024 and the consequential representation dated 02.09.2024.”

3.The petitioner was married to one Sudheer and they were blessed with Mohammed Sarif Khan and Mohammed Khan. The petitioner and her children are living at Door No.2007, 1st Street, T.N.H.B. Colony, Villapuram, Madurai, for the past more than 2 decades. Unfortunately, her husband M.Sudheer passed away on 02.10.2023 at Kattakada, Thiruvananthapuram, while he visited his brother's house at Kerala. Following which, the death certificate was issued by the Kattakada Grama Panchayat. Enclosing the said death certificate, the petitioner has made an application to the second respondent to issue a legal heir certificate. However, the concerned official instead of issuing the certificate, directed the petitioner to approach the Tamil Nadu Revenue Department for the legal heir certificate, negating the fact that the petitioner's husband was the resident of Tamil Nadu for the past two decades. In view of the same, the petitioner made an appropriate application dated 20.07.2024 before the second respondent. Since the same was not appreciated by the second respondent, she made a representation on 01.09.2024, seeking to consider her application dated 20.07.2024. However, the same was not considered. Hence, this Writ



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Petition came to be filed.

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4.The learned Government Advocate for the respondents on oral instruction from the Village Administrative Officer, Avaniyapuram, Madurai, fairly conceded that the petitioner is the wife of the deceased M.Sudheer.

5.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents and carefully perused the entire materials available on record.

6.It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

7.In a similar matter in W.P.(MD)No.20045 of 2021, dated 10.12.2021, this Court has passed favourable order to the petitioner therein.



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8.In view of the same, without going into the question as to the destination of the place of the death of the deceased M.Sudheer, the husband of the petitioner, this Court hereby direct the respondents to consider the petitioner's representation dated 02.09.2024 and issue legal heir certificate within a period of four weeks from the date of receipt of copy of this order, appreciating the fact that the petitioner and her family are residing in the current address for more than two decades.

9.With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

11.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai South Taluk,
Madurai.



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L.VICTORIA GOWRI, J.

Mrn

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