



W.P.(MD).No.27448 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.27448 of 2024

Kasthoori

... Petitioner

Vs

1. The District Collector,
Kanyakumari District at Nagarkoil,
Kanyakumari.

2. The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

3. The Thasildar,
Kalkulam Taluk,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to issue legal heir certificate to the petitioner's deceased husband Sundararajan by adding her adopted daughter's name, namely Nisha and to consider petitioner appeal dated 27.06.2024 which is pending before the 2nd respondent within a time stipulated by this Court.



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For Petitioner : Mr. R.M.Suresh

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the 3rd respondent to issue legal heir certificate to the petitioner's deceased husband Sundararajan by adding her adopted daughter's name, namely Nisha and to consider petitioner appeal, dated 27.06.2024.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.

4.The petitioner is the wife of Sundararajan, Son of Masilamani, resident of Koduppaikudi, Kanniyakumari District. They got married in the



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year 1975 according to the Christian Rites and customs. They had no issues and hence, they had adopted one Nishs, who is the daughter of petitioner husband's sister namely Angelin Pushbabai. While so, on 12.04.2024, the petitioner's husband passed away. The petitioner had applied for legal heir certificate on 25.04.2024 vide application No.TN 72042404251754. The said application was rejected by the third respondent on the ground that all the names of legal heirs were not included. Challenging the same, the petitioner had preferred an appeal before the 2nd respondent on 27.06.2024 and the same was not considered so far. Hence, this petition has been filed.

5.It is needless to point out that whenever a appeal/representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents 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 appeal/representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct the respondents to consider the same within a stipulated time.



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6.Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the petitioner to enclose all the necessary certificates and file an appeal afresh before the 2nd respondent and on receipt of the same, the 2nd respondent is directed to pass appropriate orders in accordance with law, considering the adoption of one Nisha, during the lifetime of petitioner's husband, within a period of four (4) weeks, from the date of filing of appeal by the petitioner.

7.With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

18.11.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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