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W.P.No.20432 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.20432 of 2024

S.Jayapradha

..... Petitioner

VS.

1.The District Collector,
Krishnagiri District,
Krishnagiri – 635 115.

2.District Revenue Officer,
Krishnagiri District,
Krishnagiri – 635 001.

3.Tahsildar,
Bargur Taluk, Krishnagiri District,
Krishnagiri.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the representation given by the petitioner dated 27.05.2024 and to issue legal heir certificate of Late D.Prakash, expired on 29.10.2023 by stating that she is only the legal heir of his husband within a time to be fixed by this Court.



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W.P.No.20432 of 2024

For Petitioner : Mr.M.Silambarasan
for Mr.R.Ganesh Babu
For R1 to R3 : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.S.Balamurugan
Government Advocate

ORDER

This writ petition is filed seeking a direction to the respondents to consider the representation dated 27.05.2024 seeking issue of legal heirship certificate on the death of petitioner's husband viz., D.Prakash, who expired on 29.10.2023.

2. It is the case of the petitioner that she got married to one Hasan and he died on 08.12.2016. Thereafter, the petitioner married one D.Prakash on 09.09.2021 and he died on 29.10.2023. After the death of petitioner's husband, she has filed an application before the 3rd respondent seeking issuance of the legal heirship certificate and the said application was rejected by the 3rd respondent on the ground that the petitioner is not entitled to get legal heirship certificate, as if, she is the wife of two persons.



W.P.No.20432 of 2024

3. Aggrieved by the said order, the petitioner filed an appeal before the second respondent by submitting a representation on 27.05.2024 and the same has not been considered, hence, the petitioner has come before this Court.

4. Mr.R.Neelakandan, learned Additional Advocate General appearing for the respondents would submit that the competent authority to consider the appeal filed by the petitioner is the Revenue Divisional Officer, however, in the instant case, the petitioner filed an appeal before the second respondent.

5. In view of the said submission made by the learned Additional Advocate General, the second respondent is directed to forward appeal/representation of the petitioner to the competent authority namely Jurisdictional Revenue Divisional Officer. The jurisdictional Revenue Divisional Officer shall consider the same and pass final orders on its own merits within a period of six weeks from the date of receipt of papers from the second respondent.



WEB COPY



W.P.No.20432 of 2024

6. Accordingly, this writ petition is disposed of. No costs.

23.01.2025

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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WEB COPY



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S.SOUNTHAR, J.

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