

M.K. Pathummakutty vs State of Kerala

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Court : Kerala

Decided On : Feb-28-2023

Judge : Honourable Mr. Justice Shaji P.Chaly

Appeal No. : WP(C)/6674/2023

Appellant : M.K. Pathummakutty

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SHAJI P.CHALY
TUESDAY, THE 28TH DAY OF FEBRUARY 2023 / 9TH PHALGUNA,
1944 WP(C) NO. 6674 OF 2023 PETITIONER: M.K. PATHUMMAKUTTY
AGED 63 YEARS W/O LATE K.K. SHAMSUDHEEN, SHAJI MANZIL,
PANNIPERUNTHALA, THEKKEDESOM P.O., PIN - 678553 BY ADV.
K.J.JOSEPH (ERNAKULAM) RESPONDENTS: 1 STATE OF KERALA
REPRESENTED BY ITS PRINCIPAL SECRETARY TO REVENUE,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001 2 THE TAHSILDAR TALUK
OFFICE, CHITTUR, PIN - 678 101 3 ASSISTANT EDUCATION
OFFICER O/O ASSISTANT EDUCATION OFFICER, KOLLENGODE,
PIN - 678506

BY SMT.RESHMI.K.M,SENIOR GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.02.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P.(C.) No. 6674/2023 2

JUDGMENT

Petitioner is the second wife of one late Sri. K.K. Shamsudheen. The husband of the petitioner was the Headmaster of G.T.W.L.P.School, Thunakadavu, Palakkad District, who retired from service on 31.03.1995 and later died on 20.07.2021. It is submitted that the first wife of the husband of the petitioner, Smt. Jameela P.A. died on 22.04.1995. Thereafter, the marriage between the petitioner and her husband was solemnized on 25.08.1996. Anyhow, the grievance of the petitioner is non- consideration of application for legal heirship certificate by the second respondent - the Tahsildar, Taluk Office, Chittur, Palakkad District. The primary relief sought for by the petitioner in this writ petition is consideration of Ext.P4 application pending before the second respondent.

2. Having heard learned counsel for the petitioner

Sri.K.J. Joseph (Ernakulam) and learned Senior Government Pleader Smt. Reshmi K.M., the writ petition is W.P.(C.) No. 6674/2023 3 disposed of directing the Tahsildar, Taluk Office, Chittur, Palakkad District - the second respondent to finalise Ext. P4, at the earliest, and at any rate, within six weeks from the date of receipt of a copy of this judgment, after providing notice of hearing to the petitioner and all other interested persons. The writ petition is disposed of, accordingly. Sd/- SHAJI P. CHALY JUDGE DCS/28.02.2023 W.P.(C.) No. 6674/2023 4 APPENDIX PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE MARRIAGE CERTIFICATE DATED 13.09.2021 ISSUED BY THE KHAZI, MANNARKKAD BIG JUMA MASJID EXHIBIT P2 TRUE COPY OF THE DEATH CERTIFICATE OF THE HUSBAND OF THE PETITIONER DATED 05.08.2021 EXHIBIT P3 TRUE COPY OF THE APPLICATION DATED 23.08.2022 ALONG WITH THE ENDORSEMENT OF THE 3RD RESPONDENT (RELEVANT PORTION) EXHIBIT P4 TRUE COPY OF THE APPLICATION DATED 13.10.2022 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT

