

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.15717 of 2015

R.Pushpa

...Petitioner

- Vs -

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Tahsildar,
Chengalpet Taluk,
Kancheepuram District.
3. The Revenue Inspector,
Kattankulathur,
Chengalpet Taluk,
Kancheepuram District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records relating to the impugned order of rejecting the petitioner's claim of issuance of legal heirship certificate by the 2nd respondent vide his Proceedings O.Mu.No.1244/2015/A4 dated 08.04.2015, quash the same and issue consequential directions to the respondents herein to issue Legal Heirship Certificate that the petitioner and her daughter Mrs.Shanthi are the legal heirs of the deceased Mr.G.Ranganathan Naidu.

For Petitioner : Mr.R.Thamaraiselvan

For Respondents : Mr.R.Sanjay Gandhi (R1 to R3)
Additional Government Pleader

O R D E R

Heard both sides.

2. The petitioner being the daughter-in-law of one G.Ranganatha Naidu has submitted an application to the second respondent seeking Legal Heirship certificate. The request of the petitioner was rejected on the ground that since the petitioner cannot be accepted as a Legal Heir, the petitioner can seek remedy from the Civil court.

3. What the second respondent ought to have done is to verify whether the petitioner is the daughter-in-law of the deceased Mr.Ranganatha Naidu or whether she is the wife of the son of deceased Mr.R.Ranganatha Naidu. If those facts are true, then there is no difficulty for the respondents in issuing Legal Heirship Certificate including the name of the petitioner as well as her daughter. The petitioner is said to be 65 years of age. In the Legal Heirship certificate, the respondents can indicate the fact whether there are other legal heirs or not.

4. Accordingly, this Writ Petition is allowed and the impugned order of the second respondent dated 08.04.2015 is set aside and a direction is issued to the second respondent to look into the application of the petitioner and issue Legal Heirship Certificate including the name of the petitioner and her daughter as the legal heirs of deceased Mr.G.Ranganatha Naidu, within a period of four weeks from the date of receipt of a copy of this order. It is also a settled position of law that mere issuance of Legal Heirship certificate will not create any right to the petitioner.

Sd/-

Assistant Registrar(CS-IV)

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सत्यमेव जयते
Sub Assistant Registrar

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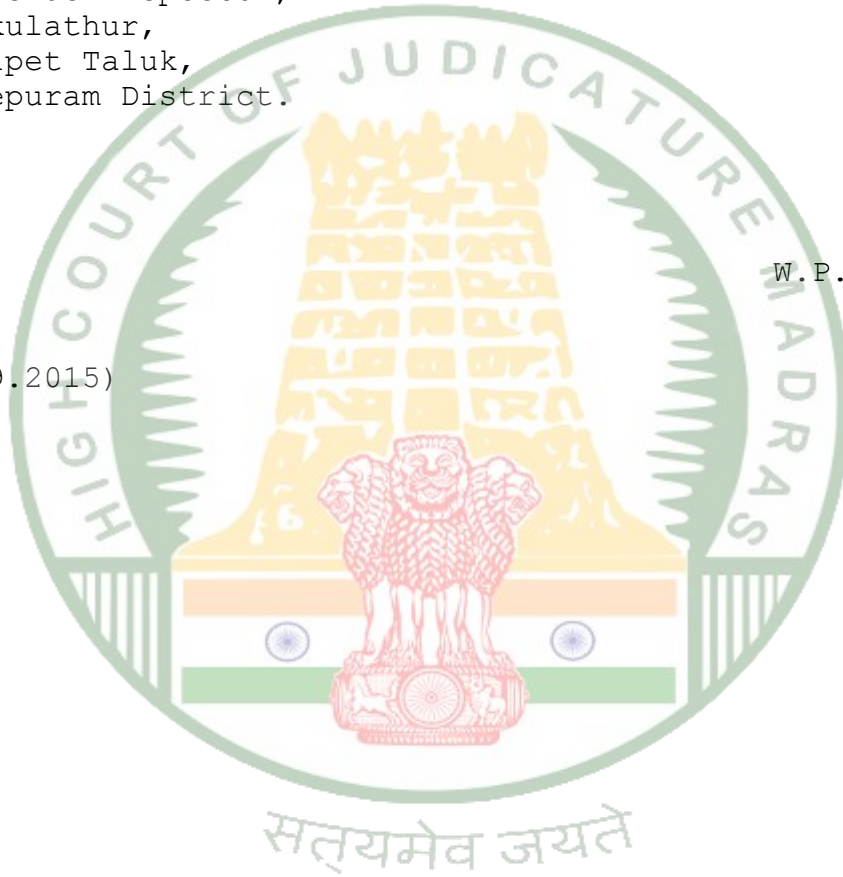
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To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Tahsildar,
Chengalpet Taluk,
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3. The Revenue Inspector,
Kattankulathur,
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KJI (CO)
PSI (18.09.2015)



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