

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.17016 of 2015
and M.P.No.1 of 2015

N.Haridoss

.. Petitioner

Vs.

1 Collector of Chennai
Chennai-600 001

2 The Tahsildar
Madhavaram Taluk Chennai-600 051 .. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus, calling for the entire records relating to the impugned order No.O.Mu.2487/2014/A-4 dated 21.5.2014 passed by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to issue the legal heir certificate for the petitioners father Late.P.Nathamuni Naicker based on the petitioners letter dated 22.3.2014 within such period.

For Petitioner : Mr.C.Hanumantha Rao
For Respondents : Mr.Dig Vijaya Pandian
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner claiming to be the son of late Nathamuni Naicker, who died on 06.08.1997, submitted an application for getting legal heir certificate to the 2nd respondent and it was rejected by proceedings of the 2nd respondent stating that since, the father of the petitioner died about 17 years ago, it is difficult to gather the particulars of the legal representatives of the deceased and therefore, to approach the competent Civil forum and challenging the same, he has filed this writ petition.

3. Learned counsel appearing for the petitioner has drawn the attention of this Court to the order dated 03.02.2015 made in W.P.No.2526 of 2015 [K.Selvaraj Vs. The District Collector,

Thiruvallur, Thiruvallur District and another] and would submit that in similar facts and circumstances, this Court has taken note of the submission of the learned Additional Advocate General, who has fairly conceded that no time limit has been prescribed under the guidelines with regard to issuance of legal heirship certificate, and permitted the petitioner therein to file a fresh application to the jurisdictional Tahsildar, with a further direction to pass orders on the said application. It is the submission of the learned counsel appearing for the petitioner that the said order is squarely applicable to the facts of this case and prays for similar orders.

4. The Court heard the submissions of Mr.Dig Vijaya Pandian, learned Additional Government Pleader, who accepts notice for the respondents.

5. In the light of the order dated 03.02.2015 made in W.P.No.2526 of 2015, the impugned order dated 21.05.2014 passed by the 2nd respondent is liable to be set aside.

6. In the result, the writ petition is partly allowed and the impugned order dated 21.05.2014, is set aside and the petitioner is at liberty to submit one more application to the 2nd respondent for getting legal heir certificate on account of the demise of his father within a period of two weeks from the date of receipt of a copy of this order and the 2nd respondent, on receipt of the application, is directed to consider the same, in accordance with law, after putting on notice the persons concerned and pass orders within a period of eight weeks, thereafter and communicate the decision taken, to the petitioner as well as to the persons concerned. No Costs. Consequently, the connected Miscellaneous Petition is closed.

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s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1 Collector of Chennai
Chennai-600 001

2 The Tahsildar
Madhavaram Taluk Chennai-600 051

+ 1 cc to the Govt.Pleader SR 29530

+ 1 c to Mr.C.Hanumantha Rao, Advocate SR 29350

rj(co)
prk26/6

W.P.No.17016 of 2015