

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 07.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.19682 of 2015

Y.Sridhar
(Executor of the Estate of
Mrs. Revathi Srinivasan)

... Petitioner

Versus

1. The Secretary
Revenue Department Secretariat
Fort St.George Chennai-9.
2. The Tahsildar
Sholinganallur Taluk
Chennai.
3. The Tahsildar
Velacherry Taluk
Chennai.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus, calling upon for the records of the deceased Mrs.Revathi Srinivasan with the second respondent and quash the impugned Letter dated 18.2.2015 in O.Mu. 2029/ 2015/A5 and direct the second respondent to issue the Legal heirship Certificate to the petitioner.

For Petitioner : Mr.J.Balachander

For Respondents : Mrs.P.Rajalakshmi
Government Advocate

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O R D E R

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

2. The petitioner would state that he was appointed as the Executor to administer the Estate of Tmt.Revathi Srinivasan, in her last Will and testament dated 19.05.2014 and the said person died on 28.05.2014. The petitioner would further state that the husband

of the deceased person late Revathi Srinivasan, pre-deceased her and they had no children and the following persons are her legal heirs under Section 15(1) (b) of the Hindu Succession Act, 1956

Sl. No.	Name of the Person	Relationship
1	K.Jayaraman (applicant)	Brother-in-law
2.	K.Rukmani	Sister-in-law
3.	K.Lakshmi	Sister-in-law
4.	K.Radha	Sister-in-law

3. The petitioner has approached the 2nd respondent for issuance of the legal heir certificate and he in turn called for the report from the Revenue Inspector, Pallikarani, who has submitted the same on 13.02.2015. The 2nd respondent taking into consideration the report and other facts, passed an order dated 18.02.2015, stating that since, the deceased was residing (within Velachery circle) he is not in a position to find out the details of her legal heirs and therefore, directed him to approach the 3rd respondent for getting the legal heir certificate.

4. The petitioner, through his lawyer submitted an application dated 05.05.2015 to the 3rd respondent, for issuance of legal heir certificate, by complying with all the procedural formalities and though, it was acknowledged on 06.05.2015, no orders came to be passed and hence, came forward to file this writ petition.

5. The learned counsel appearing for the petitioner would further submit that in pursuance to the directions given by the 2nd respondent only, he has approached the 3rd respondent, by providing all necessary particulars including the death certificate of the deceased and there cannot be any impediment on the part of the 3rd respondent to furnish the legal heir certificate and prays for appropriate orders.

6. This Court, heard the submissions of Mrs.P.Rajalakshmi, learned Government Advocate, who accepts notice on behalf of the respondents.

7. This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 3rd respondent to consider the representation dated 05.05.2015 submitted by the petitioner, for issuance of legal heir certificate, in accordance with law, after putting on notice the persons concerned and pass orders, as expeditiously as possible and not later than eight weeks, from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the persons concerned.

8. The writ petition is disposed of, accordingly. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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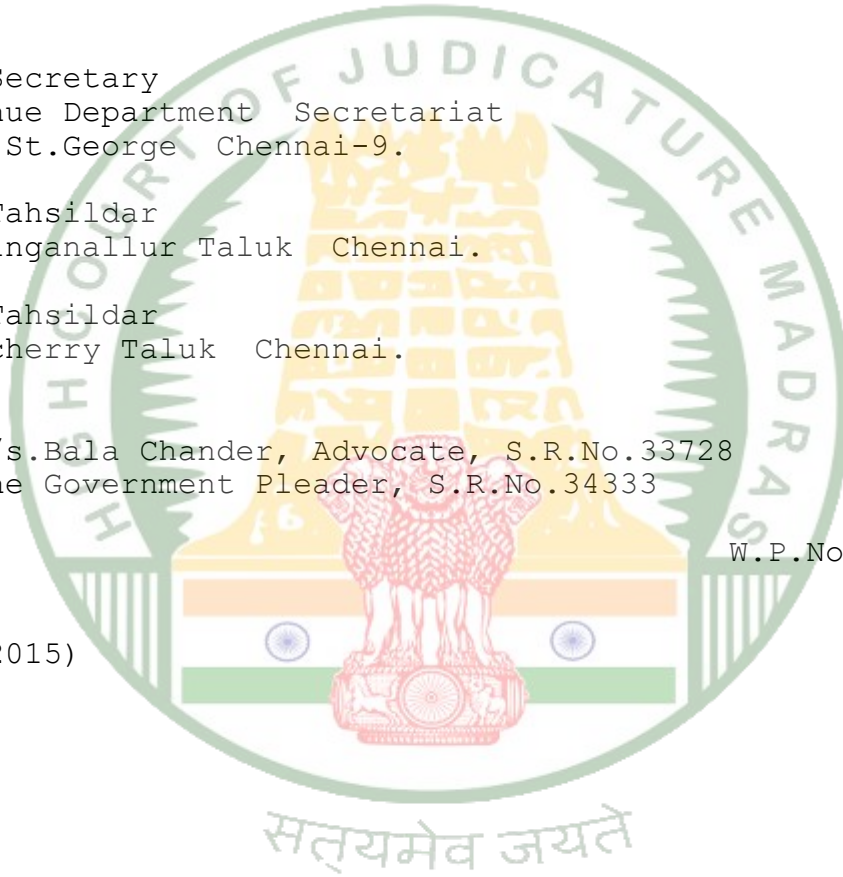
To

1. The Secretary
Revenue Department Secretariat
Fort St.George Chennai-9.
2. The Tahsildar
Sholinganallur Taluk Chennai.
3. The Tahsildar
Velacherry Taluk Chennai.

+1cc to M/s.Bala Chander, Advocate, S.R.No.33728
+1cc to the Government Pleader, S.R.No.34333

W.P.No.19682 of 2015

MP (CO)
CA(22/07/2015)



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