

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.06.2015

Coram

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.17617 of 2014
and M.P.No.1 of 2014 and M.P.No.1 of 2015

Kumaran

... Petitioner

-Vs-

The Tahsildar,
Egmore-Nunbambakkam Taluk Office,
Chennai.

..Respondent

Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorafied Mandamus to call for the records of the impugned order in Na.Ka.No.E4/7036/2014 dated 18.06.2014 on the file of the respondent and quash the same and direct the respondent to issue legal heir certificate to the petitioner.

For Petitioner : Mr.D.S.Ramesh
For Respondents : Mrs.P.Rajalakshmi, Govt.Advocate

O R D E R

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

2. The petitioner claims to be the paternal grand son of Poongavanam Ammal. According to the petitioner, his grand father, Munusamy Naicker, pre-deceased Poongavanam Ammal and his father, Manavalan, who is the only legal heir of Munusamy Naicker and Poongavanam Ammal also pre-deceased his grand mother, Poongavanam Ammal. The petitioner states that his grand mother viz., Poongavanam Ammal died on 17.01.2006. Therefore, he is the only legal heir of Manavalan, the pre-deceased son of Poongavanam Ammal. Thus, he filed an application to the respondent to issue the legal heir certificate but it was rejected by the impugned order dated 18.06.2014 stating that the petitioner is not the direct legal heir of the deceased Poongavanam Ammal. Challenging the said rejection order, this writ petition has been filed.

3. Learned counsel for the petitioner drew the attention of this Court of the additional typed set of papers filed by the petitioner. Learned counsel for the petitioner submitted that the petitioner is possessing voluminous documents to show that he is the sole legal

heir of the deceased Poongavanam Ammal. He further submitted that in the event of the impugned order being set aside and being remanded for fresh consideration, the petitioner will be in a position to substantiate his claim and hence, he prays to pass appropriate orders.

4. Learned Government Advocate invites the attention of this Court to the counter affidavit and would submit that the respondent, at this distant point of time, is unable to confirm whether the father of the petitioner, viz., Manavalan, is the only son of Late Munusamy Naicker and Late Poongavanam Ammal and therefore, the respondent is not in a position to issue Legal Heir Certificate as sought for and prays for dismissal of the writ petition.

5. This Court has carefully considered the rival submissions made and also perused the materials available on record.

6. In the light of the specific stand taken by the petitioner that his father is the only son of Late Munusamy Naicker and Late Poongavanam Ammal and that he is the only son of late Manavalan, coupled with the fact that in the additional typed set of papers, the petitioner has filed many documents to show that he is the sole legal heir of the deceased Poongavanam Ammal, this Court is of the view that the impugned order dated 18.06.2014 has to be set aside and the matter has to be remanded back to the respondent for fresh consideration.

7. Therefore, this Court in the light of the facts and circumstances of the case, without going into the merits of the claim projected by the petitioner in the writ petition, set aside the impugned order dated 18.06.2014 passed by the respondent and remand the matter to the respondent for fresh consideration. It is open to the petitioner to produce the relevant documents to show that he is the sole surviving legal heir of late Poongavanam Ammal. The respondent, on receipt of the documents, shall pass orders on merits and in accordance with law as expeditiously as possible, not later than twelve weeks from the date of receipt of a copy of this Court. Accordingly, the writ petition is partly allowed. No costs. Consequently, connected M.P.No.1 of 2014 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

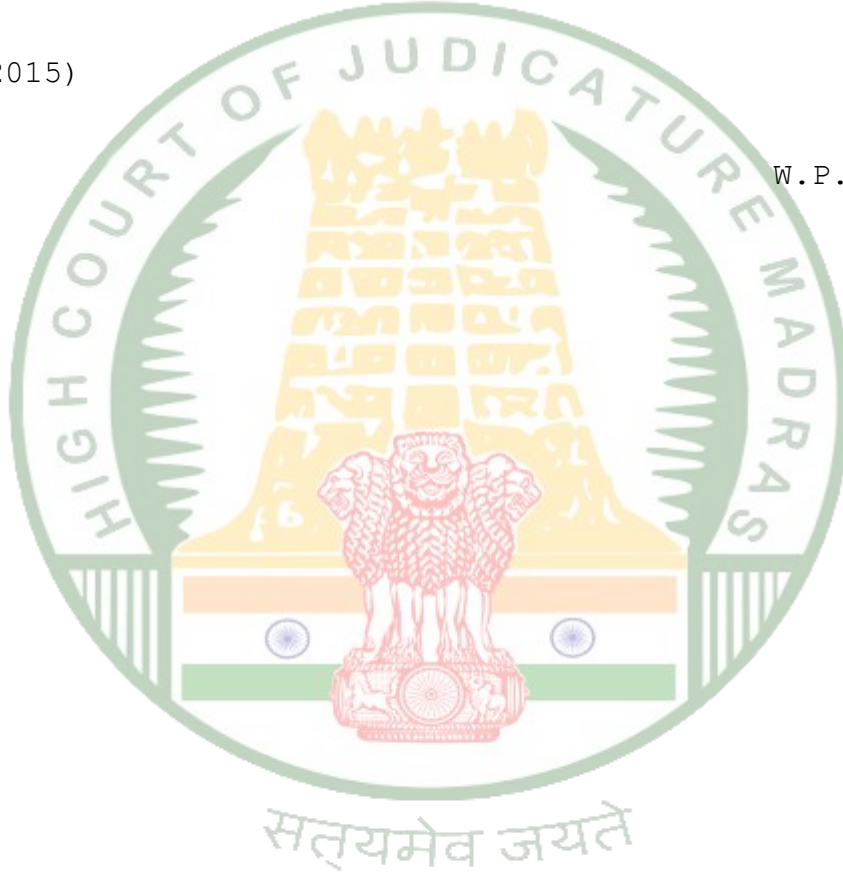
The Tahsildar,
Egmore-Nunbambakkam Taluk Office,
Chennai.

+1cc to Mr.D.S. Ramesh, Advocate, S.R.No.32275

+1cc to the Government Pleader, S.R.No.32598

RJ(CO)
EU(13/08/2015)

W.P.No.17617 of 2014



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