

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.3875 of 2015

R.Mahalakshmi

...Petitioner

Vs.

Thasildar

Shozhinganallur Taluk, Kancheepuram
Kancheepuram District.

...Respondent

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of certiorarified mandamus to quash the impugned order in Na.Ka.No.13943/2014/A5 dated 26.11.2014, rejecting the petitioner's application for granting legal heir certificate and directing the respondent to issue the legal heir certificate.

For Petitioner : Ms.Poom Pavai

For Respondent : Mr.P.Rajalakshmi
Government Advocate

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Ms.Poom Pavai, learned Counsel appearing for the petitioner and Mr.P.Rajalakshmi, learned Government Advocate appearing for respondent.

3.The petitioner has come forward with this Writ Petition for directing the respondent to issue the legal heir certificate, consequent on the death of her husband Mr.C.Rangan.

4.In the impugned order it has been stated that Tmt.C.Pattu, who is the mother of the deceased C.Rangan, refused to sign the

application for grant of legal heirship certificate, thereby disputing the correctness of the stand taken by the petitioner.

5.The learned counsel for the petitioner submits that the deceased C.Rangan has left behind the petitioner herein, minor daughter R.Monisha and his mother Mrs.C.Pattu, as legal heirs and the respondent without conducting any enquiry, rejected the petitioner's application on the ground that Tmt.C.Pattu, who is the mother of the deceased refused to sign the application for grant of legal heir certificate.

6.Unless and until the petitioner obtains signature or consent from Tmt.C.Pattu, this Court cannot compel the respondent to issue the legal heirship certificate. Therefore, the findings rendered by the respondent in the impugned order is perfectly valid. In the event the said Tmt.C.Pattu refuses to acknowledge the petitioner as the wife of deceased C.Rangan, then the only forum available to the petitioner is to approach the Civil Court for appropriate orders.

With these observations, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

rpa

To

Thasildar
Shozhinganallur Taluk, Kancheepuram
Kancheepuram District.

1 CC to Ms.Poom Pavai, Advocate SR.No. 10098

1 CC to A.C. Rajan, Advocate SR.No. 9817

1 CC to the Government Pleader, SR.No. 10001

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RSY (CO)

PSI (10.03.2015)