

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5062 of 2015

Cauverry Lakshmanan

... Petitioner

vs.

Zonal Deputy Tahsildar
Sholinganallur
Chennai - 600 119

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 01.09.2014 in O.Mu.No.9962/2014/A5 and quash the same, consequently direct the respondent herein to issue legal heirship certificate as per petitioners' application 11.07.2014.

For Petitioner : Mr.S.Natarajan

For Respondent : Mr.S.Gunasekaran
Government Advocate

ORDER

The present writ petition has been filed to quash the order of the respondent dated 01.09.2014 made in O.Mu.No.9962/2014/A5.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent.

3. The petitioner is aggrieved by the order passed by the respondent rejecting the petitioner's claim on the ground that the petitioner is not residing in the area. The respondent has relied upon a report submitted by the Revenue Inspector, who appears to have conducted the spot Inspection.

4. On the contrary, the petitioner would contend that both the Revenue Inspector and the Village Administrative Officer have recorded the statement and confirmed that the petitioner's husband resided in the said address on the basis of family ration card and other documents produced by the petitioner to prove the same. It is also submitted that the house where she was residing is still retained by her and as a temporary measure, the petitioner has now gone to Bangalore and is ready and willing to appear for enquiry before the respondent.

5. In the light of the above, this writ petition is allowed and the impugned order of the respondent dated 01.09.2014 made in O.Mu.No.9962/2014/A5 is set aside. The respondent shall issue a notice to the petitioner to appear for personal enquiry before the respondent by fixing a date of hearing and giving reasonable time to the petitioner. After the receipt of such notice, the petitioner shall appear on the said date and produce all the documents to prove her case. The respondent shall consider the same and if satisfied after enquiry, shall issue legal heirship certificate within a period of three weeks after the enquiry is conducted.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gpa
To

The Zonal Deputy Tahsildar
Sholinganallur
Chennai - 600 119

1 cc to Mr.S.Natarajan, Advocate, SR.No.14254

1 cc to Government Pleader, Sr.No14511

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pmk.25.3.2015

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