

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.5636 of 2015

R.Chinna Thambi

[Petitioner]

Vs

The Tahsildar

Thiruttani Taluk Thiruvallur District

[Respondent]

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondent herein to issue Legal Heirship Certificate to the petitioner in respect of the death of the petitioner's father Late Ramasamy after due enquiry within a stipulated period.

For Petitioner : Mr.A.Abdul Mubeen

For Respondent : Ms.P.Rajalakshmi, GA

ORDER

Heard Mr.A.Abdul Mubeen, learned counsel for the petitioner and Ms.P.Rajalakshmi, learned Government Advocate accepting notice on behalf of the respondent.

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

3. The petitioner seeks for issuance of a direction to the respondent to issue Legal Heirship Certificate to him consequent upon the demise of his father Late Ramasamy.

4. It is seen that the petitioner's application has been forwarded by the respondent to the concerned Village Administrative Officer for conducting enquiry. The petitioner would state that though statements have been recorded and enquiry was conducted by the Village Administrative Officer, no orders have been passed by the respondent in the application for grant of legal heirship

certificate and the matter is kept pending on the ground that the petitioner's father died in 2004 and the application was given in 2011.

5. I am of the view that the delay in filing an application for legal heirship certificate alone cannot be a reason for rejection of the application. If an application is submitted, due enquiry should be conducted and thereafter if there is any dispute as regards the legal heirs, then it is open to the respondent to pass appropriate orders. In the instant case, the Village Administrative Officer has stated that after enquiry, certificate will be issued and this is found as an endorsement on the reverse of the petitioner's application dated 09.12.2011.

In the light of the above, there will be a direction to the respondent to consider the petitioner's application on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs.

Sd/-

Asst.Registrar (AD I)

/true copy/

Sub Asst. Registrar

rg

To

The Tahsildar
Thiruttani Taluk Thiruvallur District

1 cc to Mr.R. Abdul Mubeen, Advocate sr. 11649

1 cc to Government Pleader, sr. 11875

WP.No.5636 of 2015

MSM (CO)

kk 18/3