

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.5734 OF 2015

R.Jayalakshmi

.. Petitioner

Versus

1. The Secretary
to Government of Tamil Nadu,
Revenue Department,
Secretariat, Chennai.

2. The Tahsildar,
Sholinghanallur,
Sholinghanallur Taluk,
Kancheepuram District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus to call for the records of the letter Na.Ka.15217 2014/A3 dated 20.12.2014 issued by the second respondent and quash the order of the letter Na.Ka.15217 2014/A3 dated 20.12.2014 issued by the second respondent and consequently direct the second respondent to issue the legal heirship certificate of the petitioner's mother Meenakshi Ammal.

For Petitioner : Mr.S.Venkatesan

For Respondents : Mr.M.L.Mahendran
Govt. Advocate

O R D E R

Heard Mr.S.Venkatesan, learned counsel appearing for the petitioner and Mr.M.L.Mahendran, learned Government Advocate, who accepts notice for the respondents.

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

3. The petitioner seeks for the issuance of writ of Certiorarified Mandamus to quash the order passed by the second respondent dated 20.12.2014 and to direct the second respondent to issue Legal Heirship Certificate of the petitioner's mother Meenakshi

Ammal.

4. The only ground on which the petitioner's application for Legal Heirship Certificate was rejected is the petitioner sought for the same 35 years after the demise of her mother.

5. The legal issue which falls for consideration in this writ petition is as to whether the Legal Heirship Certificate could be denied on the ground that the application has been submitted belatedly.

6. In fact, this issue is no more res integra and has been considered by this Court in several cases and it is worthwhile to refer to an order passed by the Madurai Bench of this Court in W.P. (MD)No.11709 of 2009 dated 16.11.2009. In the said decision, this Court has made it clear that there is no limitation for seeking the relief of Legal Heirship Certificate.

7. Furthermore, a Circular has been issued by the Government in Letter (Nilai) No.4534, dated 28.11.1991 making this position clear that there is no limitation for making an application for seeking Legal Heirship Certificate.

8. This position was dealt with by me in the case of Johnson V. The District Collector, Kanyakumari District at Nagercoil in W.P. (MD)No.16233 of 2014, dated 25.09.2014.

9. Further, it is seen that the petitioner's husband was an I.F.S. Officer and she was traveling throughout the world along with her husband and now they have to come to India and since their ancestors properties are there in their native place, they require the Legal Heirship Certificate so as to dispose of those properties.

10. In the light of the above, the ground on which, the petitioner's application for Legal Heirship Certificate was rejected is not sustainable.

11. In the result, this writ petition is allowed and the impugned order is quashed and the second respondent is directed to consider the petitioner's application, conduct an enquiry, after issuing notice to the petitioner and other necessary parties and direct them to produce necessary documents and after giving them an opportunity of personal hearing pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

12. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gg
To

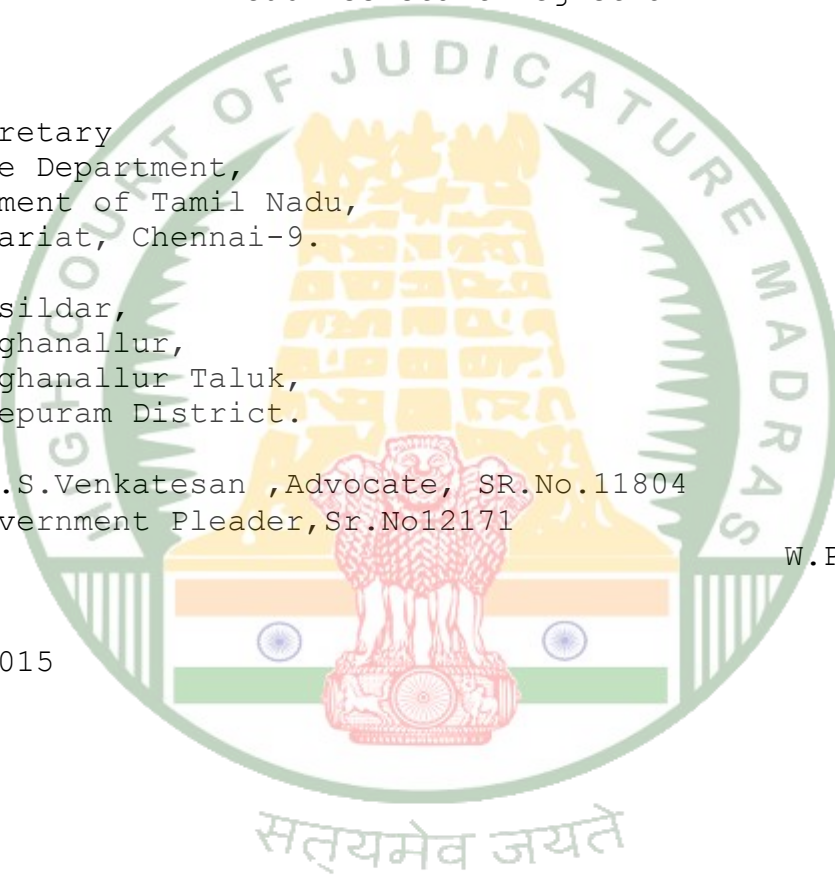
1. The Secretary
Revenue Department,
Government of Tamil Nadu,
Secretariat, Chennai-9.

2. The Tahsildar,
Sholinghanallur,
Sholinghanallur Taluk,
Kancheepuram District.

1 cc to Mr.S.Venkatesan ,Advocate, SR.No.11804
1 cc to Government Pleader,Sr.No12171

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