

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.7484 of 2015

M.Suriyakala

... Petitioner

vs.

1. The District Collector,
Thiruvallur District,
Thiruvallur

2.The Tahsildar,
Gummidipundi Taluk,
Thiruvallur District

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus to direct the respondents to issue legal heir certificate to the petitioner and to pass further orders.

For Petitioner : Mr.E.P.Jagannathan

For Respondents: Mr.S.Gunasekaran

Government Advocate

ORDER

Heard Mr.E.P.Jagannathan, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate for the respondents. With the consent of either side, the Writ Petition itself is taken up for final disposal at the admission stage.

2. The petitioner has filed this Writ Petition praying for a direction upon the 2nd respondent to issue legal heir certificate to the petitioner. The petitioner is the 3rd daughter of late B.Manicka Mudaliar, who is residing in Enadimelpakkam Village, Gummidipundi Taluk, Thiruvallur District. The petitioner is said to be unmarried due to medical reasons and the first daughter of B.Manicka Mudaliar is Smt. Hemavathy, wife of G.Munivelu and the 2nd daughter is Tmt.G.Nirmala wife of K.V.Gajanamurthy and 4th daughter is S.Sarala wife of C.Seenu. It is stated that the 4th daughter, namely, S.Sarala passed away on 23.04.2012 and a copy of the death certificate and legal heir certificate has been produced.

3. Further it is stated by the petitioner that as on date, there are six surviving legal heirs to late B.Manicka Mudaliar. It is also stated that there are no male issues and her mother, namely Tmt.Sampoornammal had passed away on 18.12.1994, after B.Manicka Mudaliar on 17.08.1988.

4.Now, the petitioner seeks for legal heir certificate and in support of her claim, she has produced several documents. Since the request made was not considered, the petitioner is before this Court.

5.The learned counsel for the petitioner submitted that the 1st respondent has refused to consider the application made by the petitioner solely on the ground that the petitioner's father died in 1988 and application for legal heir certificate has been made only now. The petitioner has given valid reasons in the affidavit filed in support of the Writ Petition as to why she could not approach the authorities earlier. That apart, the need for applying legal heir certificate has arisen now only. Therefore, the petitioner has approached the authorities along with the application and she has produced all the documents in support of the claim.

6.Merely because the application has been submitted after 25 years, after demise of the petitioner's father is not a ground to keep the application pending or reject the same.

7.In the light of the above, the 2nd respondent is directed to enquire into the matter, consider the documents filed by the petitioner and after obtaining necessary affidavits, is entitled to consider the claim of the petitioner for issuance of legal heirship certificate in accordance with law. The 2nd respondent is further directed to consider the petitioner's application dated 28.02.2015 along with other documents and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of copy of the order without reference to the proceedings dated 31.12.2012.

8. With the above observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

Dated:23.3.15

True Copy

Sub Assistant Registrar

To

1. The District Collector,
Thiruvallur District,
Thiruvallur

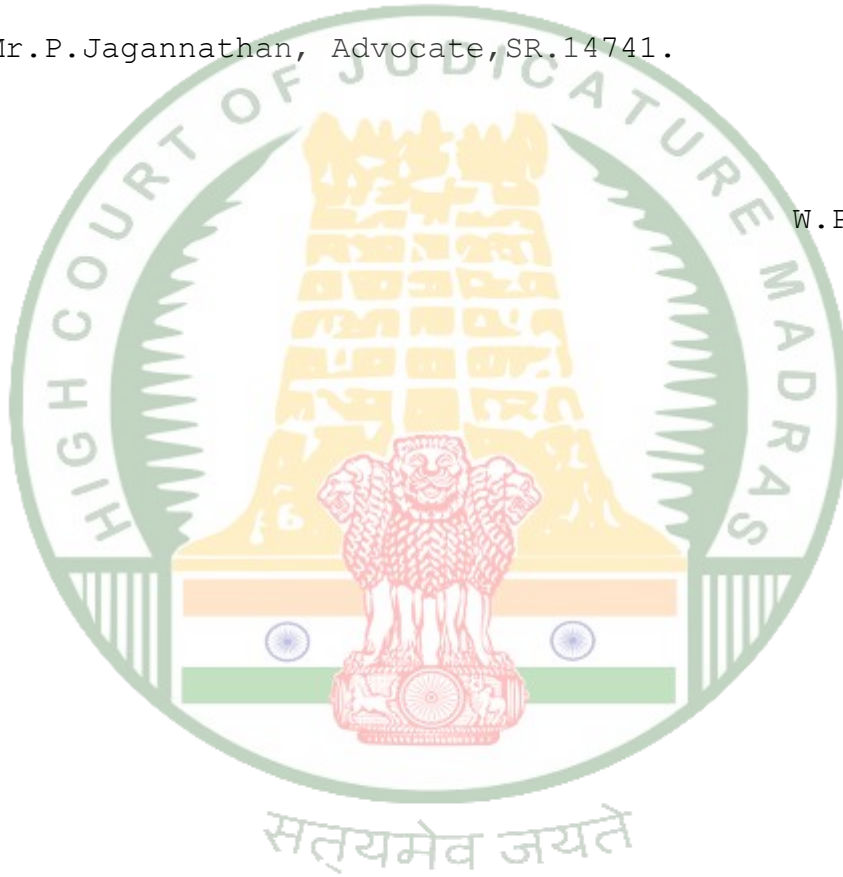
2.The Tahsildar,
Gummidipundi Taluk,
Thiruvallur District

+1 cc to Government Pleader,SR.15157

+1 cc to Mr.P.Jagannathan, Advocate,SR.14741.

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