

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

WP.No.8391/2015

V.S.Ranganathan

..

Petitioner

Versus

The Tahsildar
Egmore Nungambakkam Taluk
Office, Spur Tank Road,
Chetpet, Chennai 600 031.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondent to issue the Legal Heir Certificate of the petitioner's father Mr.V.R.Srinivasan to the petitioner forthwith on the basis of his application dated 09.12.2013 submitted to the respondent.

For Petitioner : Mr.N.Chandra Raj for
M/s.Raj & Raj Associates
For Respondent : Mr.M.L.Mahendran, GA

ORDER

Heard Mr.N.Chandra Raj, learned counsel for the petitioner and Mr.M.L.Mahendran, learned Government Advocate accepting notice for the respondent and with their consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has filed this writ petition seeking for issuance of Legal Heirship Certificate on account of the demise of his father Late V.R.Srinivasan. The petitioner's father died on 20.01.1971 and the death was registered before the Registrar of Births and Deaths on 23.01.1971 and the petitioner has now obtained a copy of the Death Certificate and has requested for grant of Legal Heirship Certificate. The application was given by the petitioner is pending. The petitioner was orally informed by the respondent that since the occurred in 1971, at this juncture, the application cannot be considered. This issue came up for consideration in several cases before this Court and this Court has held that there is no time limit prescribed under the Statute to reject the application merely

on the ground that the legal heirs have approached the Tahsildar concerned for issuance of Legal Heirship Certificate much after the demise of the person concerned and it has been held that the Tahsildar concerned has to conduct an enquiry and then ascertain the facts and thereafter, proceed to either grant the Legal Heirship Certificate or refuse the same on valid and legally sustainable grounds. Hence, there can be no impediment for the respondent to take into consideration the petitioner's representation/application.

3.Learned Government Advocate submitted that there is no acknowledgment produced by the petitioner for the application submitted. In this regard, it is seen that the petitioner has furnished the tapal numbers given by the office of the respondent.

4.Accordingly, there will be a direction to the petitioner to submit a copy of the application dated 09.12.2013 along with a copy of this order and forward the to the respondent and on receipt of such copy of the application, the respondent to consider the petitioner's application for issuance of Legal Heirship Certificate dated 09.12.2013, conduct an enquiry into the matter and then pass a reasoned order on merits and in accordance with law within a period of three months from the date of receipt of such representation/application.

5.The writ petition is disposed of with the above direction.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP
To
The Tahsildar
Egmore Nungambakkam Taluk
Office, Spur Tank Road,
Chetpet, Chennai 600 031.

1 cc to Government Pleader, Sr.No16983

1 cc to M/s.Raj & Raj Associates ,Advocate, SR.No.16592

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lrs (co)
pmk.7.4.2015