

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.33754 OF 2013

N.Latha

...Petitioner

Versus

1. Government of Tamil Nadu
Rep. by the Secretary to Government,
Revenue Department, Fort St. George,
Chennai - 9.
2. The Tahsildar,
Solinganallur.

...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 entire records of the second respondent's Proceedings No.O.Mu.14099/2013/A5, dated 06.11.2013, quash the same and for a direction, directing the second respondent to issue the Legal Heirship Certificate in favour of the petitioner, Viz., N.Latha, she being the Legal Heir of the deceased Mr.Natarajan.

For Petitioner : Mr.S.Natana Rajan

For Respondents : Mr.S.Gunasekaran,
Govt. Advocate

O R D E R

Heard Mr.S.Natana Rajan, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate for the respondents.

2. The petitioner in this writ petition challenges the proceedings dated 06.11.2013, by which, the second respondent has rejected the request of the petitioner for grant of Legal Heirship Certificate solely on the ground that the petitioner made the

application belatedly.

3. The petitioner would state that her father was a Government servant and she remained unmarried for several years and in order to get the benefit of G.O.Ms.No.325, dated 28.11.2011, she approached the authorities, who insisted upon the Legal Heirship Certificate. Therefore, she applied for the Legal Heirship Certificate.

4. In the light of the peculiar facts and circumstances, this Court is of the view that the second respondent ought not have rejected the petitioner's application solely on the ground that the petitioner approached the second respondent belatedly. Further, the petitioner's father was working as Headmaster in the Corporation Middle School, Triplicane, Chennai, and he retired from the said post. The petitioner's mother Dharmambal is also said to have passed away and her brother N.Sivarajan, who is also no more and he is said to have passed away on 31.10.2003 and the petitioner is the surviving Legal Heir. Therefore, the second respondent could conduct necessary enquiry to ascertain the facts and they could issue the Legal Heirship Certificate, if there is no other legal impediment.

5. Accordingly, this writ petition is allowed and the impugned order is quashed. The matter is remanded back to the second respondent to conduct an enquiry, after issuing notice to the petitioner, and also to make local enquiry and insist upon the Death Certificates of the father, mother and brother of the petitioner and consider the application of the petitioner and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

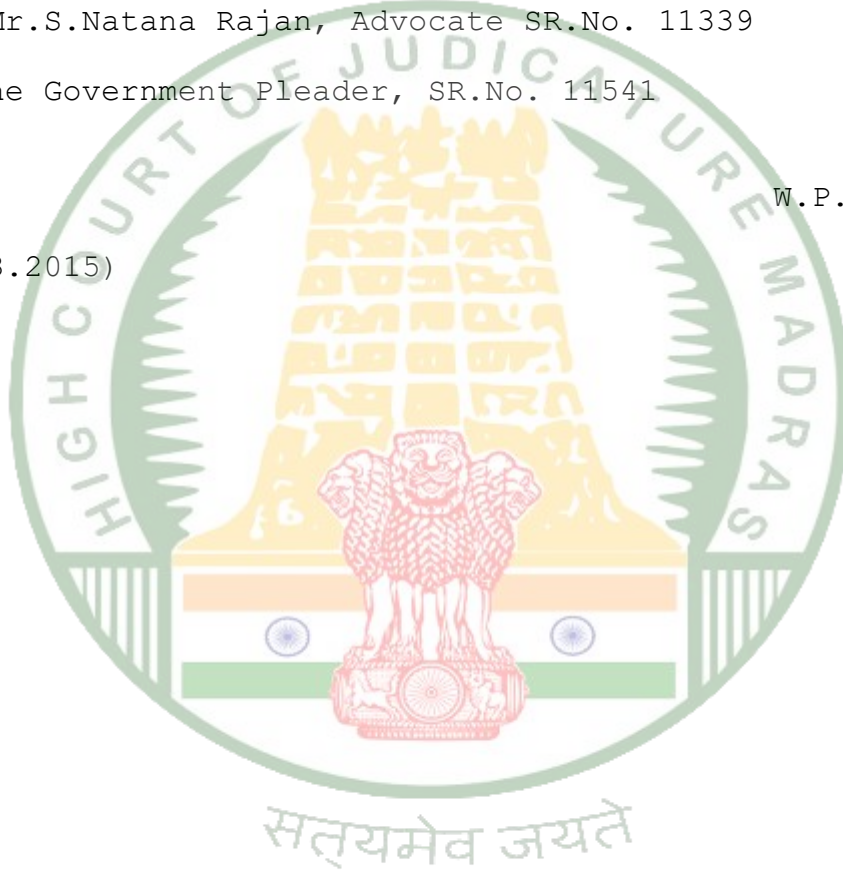
1. The Secretary,
Revenue Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 9.
2. The Tahsildar,
Solinganallur.

2 CCs to Mr.S.Natana Rajan, Advocate SR.No. 11339

1 CC to the Government Pleader, SR.No. 11541

SK (CO)
PSI (10.03.2015)

W.P.NO.33754 OF 2013



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