

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.28861 of 2015

R.Dinesh

... Petitioner

The Tahsildar
Mylapore-Triplicane Taluk,
Chennai 600 028.

Vs.

... Respondent

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the respondent in his proceedings O.Mu.No.Aa.5824/15 dated 03.08.2015 and quash the same and direct the respondent to issue a legal heir certificate for petitioner's sister Dr.Bina Rabindran based on application dt 8.6.2015 and records provided to them by this Honourable Court.

For Petitioner : Mr.K.Chocklingam
for Mr.V.Babu

For Respondent : Mr.V.Jaya Prakash Narayanan
Spl. Govt. Pleader

सत्यमेव जयते

O R D E R

This writ petition has been filed seeking to issue a writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the respondent in his proceedings O.Mu.No.Aa.5824/15 dated 03.08.2015 and quash the same and direct the respondent to issue a legal heir certificate for petitioner's sister Dr.Bina Rabindran based on application dt 8.6.2015 and records provided to them.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the

respondent.

3. It is the case of the petitioner that his father Dr.P.Rabindran died in the year 1990 leaving behind petitioner's mother Mrs. Nalini Rabindran and petitioner's sister Bina Rabindran and the petitioner as legal heirs. On 30.05.1998, the petitioner's mother died leaving behind Dr.Bina Rabindran and the petitioner as legal heirs. On 21.05.2015, petitioner's sister Dr.Bina Rabindran died as spinster. After the death of petitioner's sister he approached the Tahsildar for issuance of legal heirship certificate of his sister in his name. The Tahsildar, after conducting enquiry through Revenue Inspector has stated that since Dr.Bina Ravindran died as spinster and her parents pre-deceased her and the petitioner being her brother will not fall as direct legal heir of Dr.Bina Ravindran and hence he is not entitled for legal heirship certificate because he is only a class-II legal heir. Since the Tahsildar refused to issue legal heirship certificate, the petitioner has approached this Court.

4. Learned counsel for the petitioner has produced the copy of the order of this Court in an identical situation wherein, the learned Single Judge of this Court had elaborately discussed the issue of class II legal heir and held in paragraph 11 as under:

"The petitioners are given liberty to make a fresh application before the Tahsildar along with a sworn affidavit. They should also produce the birth certificate of the deceased and their birth certificate, in case births were duly registered before the Registrar of Birth. It is open to the Tahsildar to conduct an enquiry in the matter and to submit a report to the Revenue Inspector, who in turn, will cross verify the report and thereafter, will forward it to the Tahsildar. It is for the Tahsildar to pass appropriate orders thereafter, on the basis of the affidavits and the result of enquiry conducted by the Village Administrative Officer and Revenue Inspector.

The petitioners are given fifteen days time to make an application before the first respondent. In case any such application is made, the first respondent is directed to conduct an enquiry and decide the matter as expeditiously as possible and in any case, on or before 31st May, 2013"

5. Following the same, this writ petition is also disposed of on the above lines. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

smi

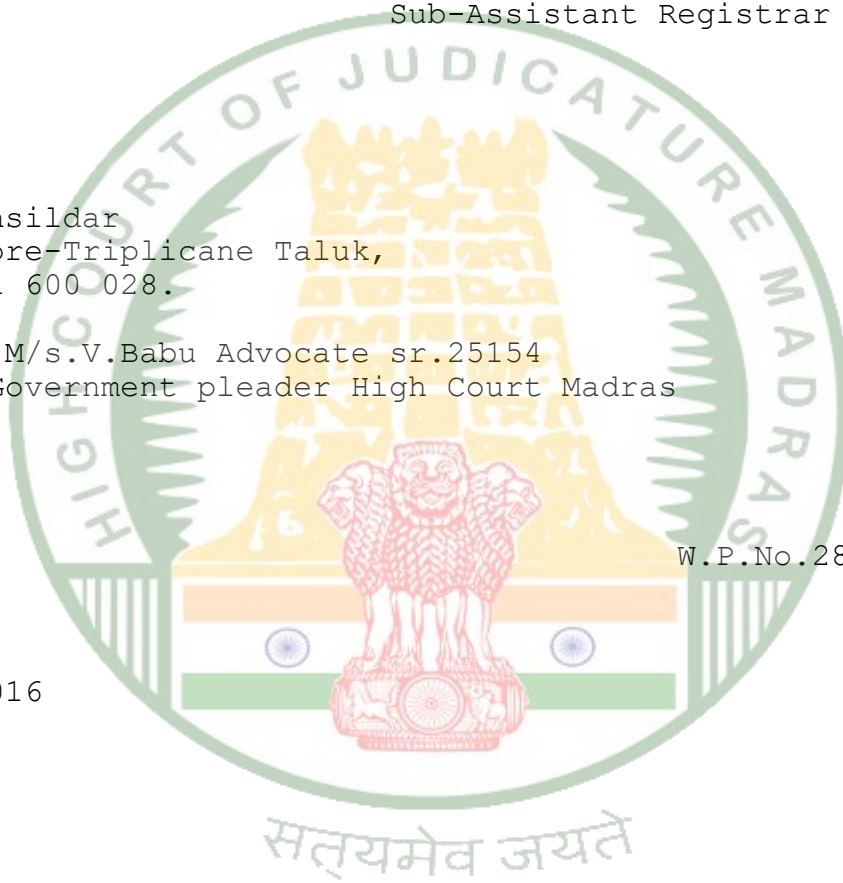
To,

1. The Tahsildar
Mylapore-Triplicane Taluk,
Chennai 600 028.

+2 ccs to M/s.V.Babu Advocate sr.25154
+1 cc to Government pleader High Court Madras
sr 25404

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