

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.10.2016

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.11102 of 2013
and M.P.No.1 of 2014

Samshunnissa

.. Petitioner

Vs

The Tahsildar
Egmore-Nungambakkam,
Chennai 600 031

.. Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondent to grant legal heirship certificate on her application dated 07.08.2012 for the deceased K.a.umarmugalar on his death dated 18.01.1999.

For Petitioner : Mr.G.Appavu

For Respondent : Mr.R.Govindasamy
Spl.Govt.Pleader.

ORDER

The petitioner seeks for a direction to the respondent to grant legal heirship certificate on the basis of her application dated 07.08.2012 for the deceased K.A.Umarmugalar who died on 18.01.1999.

2.According to the petitioner, her husband K.A.Umarmugalar died on 18.01.1999 leaving behind herself and her three children as the only surviving legal heirs of her husband.

3. The petitioner claims to have sent an application to the respondent on 07.08.2012 claiming legal heirship certificate. However, the respondent had rejected the application on 6.9.2012 on the ground that many years have passed, since petitioner's husband died and hence, he is not in a position to ascertain the legal heirs.

4. Heard Mr.G.Appavu, learned counsel appearing for the petitioner and Mr.R.Govindasamy, learned Spl.Government Pleader appearing on behalf of the respondent.

5. At the outset the reason given by the respondent for rejecting the application is irrational and it is the duty of the respondent to issue legal heirship certificate by conducting an enquiry and in case he is not in a position to ascertain the details of legal heirs, the legal heirship certificate can be issued on the basis of an affidavit of undertaking received from the legal heirs, as mentioned in the application of the petitioner. Just because of longitivity of time, the respondent is not justified in rejecting the application. It would be appropriate for the respondent to take suitable and necessary affidavits from the petitioner and the either legal heirs and thereby issue a certificate on that basis.

6. Under such circumstances, there shall be a direction to the respondent to issue legal heirship certificate for late.K.A.Umarmugalar on the basis of the information furnished by the petitioner in their application after verifying the same, within a period of two weeks from the date of receipt of a copy of this order. The order of the respondent dated 6.9.2012 rejecting the petitioner's application is set aside.

7. In the result, the writ petition is allowed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To
The Tahsildar
Egmore-Nungambakkam,
Chennai 600 031

+1 cc to Mr.G.appavu, advocate, sr.60696.

skv(co)
krd 23/11

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