

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.12837 of 2013

&

M.P.No.1 of 2013

1. S.V.Hari Krishnan (died)
2. Baghyalakshmi
3. H.Minoshini
4. H.Prasana Kumar

(Petitioners 2 to 4 are substituted as per the order of this Court, dated 01.11.2016 in M.P.No.1 of 2015 in W.P.No.12837 of 2013)

....Petitioner

Versus

- 1.The District Collector,
Chennai.
- 2.The Thasildar,
Egmore Nungambakkam Thasildar Office,
Chennai-31.

....Respondents

Prayer:

The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus to call for the impugned order dated 31.01.2013 passed by the 2nd respondent rejecting the petitioner's application for issuance of legal heirs certificate of the petitioner's late father and mother Smt.Vijayalakshmi and Mr.Sri Ramulu Reddy and quash the same and for a mandamus directing to issue legal heirs certificate as per the representation dated 26.12.2012.

For Petitioner : Mr.J.Nandagopal

For Respondents : Mr.A.Zakir Hussan, GA.

O R D E R

The petitioner seeks for a direction to the respondent to grant legal heirship certificate on the basis of his application dated 26.12.2012 for the deceased late father and mother, namely Sri Ramulu Reddy and Vijayalakshmi, who died on 19.01.1998 and 08.06.1991, respectively.

2. According to the petitioner, his father and mother died on 19.01.1998 and 08.06.1991, respectively, leaving behind himself and his sister P.Negalakshmi (died on 26.04.2014), as their legal heirs.

3. The petitioner claims to have sent an application to the respondent on 26.12.2012 claiming legal heirship certificate. However, the respondent had rejected the application on 31.01.2013 on the ground that many years have passed since petitioner's father and mother died and hence, he is not in a position to ascertain the legal heirs.

4. Heard Mr.J.Nandagopal, learned counsel appearing for the petitioner and Mr.A.Zakir Hussain, learned Government Advocate, appearing on behalf of the respondents.

5. At the outset, the reason given by the respondents for rejecting the application is irrational and it is the duty of the respondents to issue legal heirship certificate by conducting an enquiry and in case, they are 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 longevity of time, the respondent is not justified in rejecting the application. It would be appropriate for the respondents to take suitable and necessary affidavits from the petitioner and thereby issue a certificate on that basis.

6. Under such circumstances, there shall be a direction to the respondents to issue legal heirship certificate for late Sri Ramulu Reddy and Vijayalakshmi, on the basis of the information furnished by the petitioner in his application and on the affidavits from the legal heirs, within a period of two weeks from the date of receipt of a copy of this order. The impugned order of the 2nd respondent dated 31.01.2013, 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/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

pvs

To

1.The District Collector,
Chennai.

2.The Thasildar,
Egmore Nungambakkam Thasildar Office,
Chennai-31.

+1cc to Mr.J.Nandagopal, Advocate, S.R.No. 61772

+1cc to the Government Pleader, S.R.No. 62413

W.P.No.12837 of 2013
& M.P.No.1 of 2013

MSM (CO)
PSI (05/12/2016)

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