

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23529/2016

M.V.Raghavan

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Petitioner

Versus

1.The Tahsildar
Taluk Office
Alandur, Chennai 600016.

2.The Revenue Inspector
Alandur Firka & Taluk
Chennai 600 016.

3.The Village Administrative Office
No.13, Talakananchery
No.15, Moovarasampattu
Alandur Taluk, Chennai 600 016...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus calling for the records pertaining to the impugned order in O.Mu.No.1401/2016/A6 dated 16.06.2016 issued by the 1st respondent herein and quash the same and consequentially direct the 1st respondent herein to issue a certificate of legal heirship of the petitioner's late father Mr.M.K.Varadhachari.

For Petitioner : Mr.A.Devanarendran

For RR1 to 3 : Mr.R.Vijayakumar, AGP

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner would state that his father Mr.M.K.Varadhachari died on 11.01.2006 at Nanganallur, Chennai and his mother, Tmt.V.Perundevi, pre-deceased his father on 04.05.1992 and following persons are the legal heirs of [late] Mr.M.K.Varadhachari and [late] Tmt.V.Perundevi:-

[1] Mrs.Vatsala Santhanam, D/o. Late Mr.M.K.Varadhachari.

[2] Mr.M.V.Krishnan, S/o.Late Mr.M.K.Varadhachari.

[3] Mr.M.V.SowriRajan, S/o.Late.Mr.M.K.Varadhachari

[4] Mr.M.V.Mukundan, S/o.Late Mr.M.K.Varadhachari.

[5] Mr.M.V.Badri Narayanan, S/o.Late

Mr.M.K.Varadhachari.

[6] Mr.M.V.Raghavan, S/o.Late Mr.M.K.Varadhachari.

The petitioner would further state that on 09.02.2016, he applied to the 1st respondent praying for issuance of a Legal Heirship Certificate for the purpose of settling the properties among themselves and for change of name in the property tax register, electricity/water supply connections etc. and he has also enclosed all necessary documents including the Joint Consent Affidavit of the legal heirs. It is also stated by the petitioner that the jurisdictional Village Administrative Officer [VAO] has also made a positive recommendation on 24.03.2016 and despite that, vide endorsement dated 16.06.2016, the said application has been rejected on the ground that Thiru M.K.Varadhachari died about 10 years back and therefore, the office of the 1st respondent is unable to trace the details of the legal heirs. Challenging the legality of the order, the present writ petition is filed.

3 The learned counsel for the petitioner has drawn the attention of this Court to the typed set filed in support of this writ petition and would submit that in the light of the Joint Consent Affidavit coupled with the positive recommendation of the jurisdictional VAO to issue the legal heirship certificate to the petitioner and five other legal heirs of [late] Thiru.M.K.Varadhachari and [late] Tmt.V.Perundevi, there may not be any impediment on the part of the 1st respondent to positively consider the said application and prays for interference.

4 Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents on instructions, would submit that since the death of the petitioner's father took place during January 2006, the office of the 1st respondent is unable to trace out the particulars and that is why, the impugned order of rejection came to be passed.

5 This Court has carefully considered the rival submissions and also perused the materials placed before it.

6 A perusal of the typed set of papers would disclose that the Death Certificates of the petitioner's mother and father have been enclosed and so also the Joint Consent Affidavit of the petitioner as well as his brothers and sister

dated 30.05.2015 and the 3rd respondent has also made a positive recommendation on 24.03.2016. In the light of the facts and circumstances, there may not be any impediment on the part of the 1st respondent to consider and dispose of the application of the petitioner for issuance of Legal Heir Certificate.

7 In the result, the writ petition is partly allowed and the impugned order/endorsement dated 16.06.2016 of the 1st respondent is hereby set aside and the matter is once again remanded to the 1st respondent, who shall take into consideration the above said documents and also give an opportunity of personal hearing to the petitioner and pass orders on the application submitted by the petitioner seeking for issuance of Legal Heirship Certificate, on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

8 The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Tahsildar
Taluk Office
Alandur, Chennai 600016.
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1 cc to Mr.A.Devnarendran, Advocate, sr.38239
1 cc to The Government Pleader, sr.38536

W.P.No.23529/2016

pa co
kra 23.07.2016