

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.09.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.31529 of 2016

1. T.A.Reduka Devi
2. T.A.Manjula Devi
3. T.A.Ramba Rani
4. T.A.Nanda Kumar
5. T.A.Narendra Kumar .. Petitioners

Vs.

The Tahsildar,
Purasalwakkam Taluk,
Chennai -3. .. Respondent

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the respondent passed in his proceedings in Letter No.Aa.1/2809/2016, dated 28.07.2016 and quash the same and consequently direct the respondent to issue legal heir certificate of deceased Parvatha Kumari, who died on 07.12.2014, to the petitioner.

For Petitioners : Mr.A.Ramalingam

For Respondent : Mr.R.A.S.Senthilvel
Addl. Government Pleader

O R D E R

The present Writ Petition challenges the rejection of the legal heir certificate on the ground that if there is no class-I legal heir, there is no provision for granting legal heirship certificate for class-II legal heir as per the Hindu Law.

2. The sister of the petitioners Parvatha Kumari died on 07.12.2014, as an unmarried spinster. The petitioners applied for legal heir certificate of their sister with all necessary documents. The respondent conducted a detailed enquiry and passed the present impugned order. Hence, the present Writ Petition has been filed to quash the order of the respondent and direct the respondent to issue legal heir certificate to the

petitioners.

3. Heard the learned counsel for the petitioners and the learned Special Government Pleader for the respondent.

4. The learned Special Government Pleader submitted that the claim of the petitioners has to be ascertained and for that purpose, the petitioners have to produce all necessary documents to prove that they are the legal heirs of the deceased.

5. The rejection of the application of the petitioners cannot be rejected merely on the ground that petitioners are not coming under the class-I legal heir and the petitioners have to be given an opportunity to prove their case by producing all relevant documents.

5. Hence, the matter is remitted back to the respondent for granting one more opportunity to the petitioners and pass appropriate orders, on merits and in accordance with law and the Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

vrc

To

The Tahsildar,
Purasalwakkam Taluk,
Chennai - 3.

+1 CC to Mr. A. Ramalingam, Advocate Sr.No.51379

+1 CC to Government Pleader, Sr.No.51662

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GJII (CO)

MD : 03/10/2016