

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.09.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.32783 of 2016

T. Duraipandian

.. Petitioner

Versus

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

.. Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondent to conduct enquiry and issue Legal Heir Certificate of the petitioner's father late Mr.Thangasamy Nadar, based on petitioner's application, dated 08.06.2016.

For Petitioner : Mr.C.K.M.Appaji
For Respondent : Mr.R.A.S.Senthilvel
Government Advocate.

ORDER

Heard Mr.C.K.M.Appaji, learned counsel appearing for the petitioner and Mr.R.A.S.Senthilvel, learned Government Advocate accepting notice on behalf of the respondent. With consent of the learned counsel for both sides, the writ petition is taken up for final disposal.

2. The petitioner seeks for the issuance of the Legal Heir Certificate of his father, Late Thangasamy Nadar, by considering his application dated 08.06.2016. The petitioner would claim that his father had passed away on 14.01.1979 and establish the same, the death certificate, issued by the Public Health Department, B&D Unit, Corporation of Chennai, has been produced. The death has been registered before the said authority on 05.02.1979.

3. It is submitted that apart from the petitioner and his sister Tmt. T.Dhanabackiyam, there are no other legal heir and the petitioner's mother Tmt. Mariammal also passed away on 29.02.1992, which was registered before the concerned authority on 16.03.1992. The petitioner has produced a copy of his Aadhar

card, his Family card and submitted the application. However, the petitioner has not furnished any details pertaining to his sister Tmt. T.Dhanabackiyam. Therefore, the petitioner's sister should also join along with the petitioner, as a joint applicant.

4. Accordingly, the writ petition is disposed of, by directing the petitioner and his sister to submit a fresh application for grant of legal heir certificate along with the documents and necessary affidavits and if the same is submitted, the respondent shall conduct an enquiry and pass order on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. The respondent shall not reject the application, solely, on the ground that the petitioner's father passed away in 1979 and the application is filed only in 2016.

5. The writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

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

+1cc to the Government Pleader sr.53468
सत्यमेव जयते

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rsk[col]
srg 06/10/2016

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