

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2016

CORAM:

THE HON 'BLE MR. JUSTICE T.S.SIVAGNANAM

Writ Petition No.33454 of 2016

V.Rajesh

... Petitioner

VS

1. The Tahsildar, Chengalpet District
2. The Revenue Inspector, Chengalpet Circle,
Chengalpet (Tk), Kanchipuram District
3. The Village Administrative Officer,
Melamaiur, Chengalpet (Tk)

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India, seeking for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the first respondent in O.Mu.No.2225/2016/A4, dated 14.07.2016, quash the same and consequently, to direct the first respondent to issue the legal heir certificate to the petitioner, based on the recommendations of respondents 2 and 3.

For Petitioner : Mr. K.Sathish Kumar

For Respondents : Mr. P.Chinnadurai, Govt. Advocate

ORDER

Heard Mr.K.Sathish Kumar, learned counsel for the petitioner and Mr.P.Chinnadurai, learned Government Advocate for the respondents. By consent of the learned counsel for both sides, the writ petition is taken up for final disposal, at the admission stage itself.

2. The petitioners seeks for setting-aside the order passed by the first respondent, dated 14.07.2016, rejecting the petitioner's request for grant of Legal Heir Certificate, certifying that he is the sole legal heir of Mr.C.Munuswamy, who is his adopted father. The stand taken by the first respondent is well founded. Further, it appears that respondents 2 and 3 have conducted certain enquiries in which they found that the petitioner was validly adopted by the deceased C.Munusamy, by virtue of an adoption deed, dated

17.10.1997. It further appears that respondents 2 and 3 have conducted local enquiry and certified that the petitioner is the son of the deceased, C.Munusamy. Therefore, this Court is of the view that the first respondent may take a fresh decision, after referring to those reports and ascertain the genuineness.

3. In the light of the above, this writ petition is allowed, the impugned order is set-aside and the matter is remanded back to the first respondent to consider the report submitted by the respondents 2 and 3 and pass orders afresh, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. In the event, if the first respondent rejects the petitioner's request, then the petitioner has to approach only the Civil Court and get his status declared. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1. The Tahsildar,
Chengalpet District
2. The Revenue Inspector,
Chengalpet Circle,
Chengalpet (Tk), Kanchipuram District
3. The Village Administrative Officer,
Melamaiur, Chengalpet (Tk)

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W.P.No.33454 of 2016

CO (NR)
CP 24/10/2016