

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE: 16.11.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.40171 of 2016

1. Sri SudharshanSrinivasan
2.Anirudh Srinivasan
3.ParthibanSrinivasan .. Petitioners

Versus

The Tahsildar,
Velachery,
Chennai. .. Respondent

Prayer: Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus directing the respondents to consider the application/representation made by the petitioner dated 11.07.2016 for issuance of legal heir certificate of deceased Mrs. T.Gajalakshmi in accordance with law.

For Petitioner : Mr.D.Kanagasundaram

For Respondents : Mr.T.Chinnadurai
Government Advocate

O R D E R

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. In the affidavit in support of this petition, it is stated by the mother of the petitioners that that her husband Mr.T.Srinivasan died on 03.11.2012 leaving behind her and the petitioners. She applied for legal heir certificate and the same was issued to her on 28.12.2012. It is further stated on 14.04.2016, her mother-in-law passed away leaving behind her husband, son Mr.T.Saravanan and the petitioners as class one legal heirs. Thereafter, her father-in-law Mr.T.Thiyagarajan has

applied for the legal heir ship certificate of Mrs.T.Gajalakshmi on 04.03.2016 along with necessary documents including death certificate and legal heir certificates of her husband, so as to include the petitioners herein as legal heirs. The respondent without conducting the enquiry refused to issue the legal heir certificate stating that since the petitioners are the grandsons of Mrs.T.Gajalakshmi, they cannot be included in the certificate as they are not class-I legal heirs of deceased Mrs.T.Gajalakshmi.

3. Thereafter, the petitioner submitted a fresh application on 11.07.2016 to the respondent, along with relevant documents. Again the respondent objected to the same and refused to issue legal heir certificate stating that the petitioners will not come under Class-I legal heirs of the deceased Mrs.T.Gajalakshmi who is the grandmother of the deceased. Again on 11.07.2016, the petitioner made a detailed representation to the respondent seeking for issuance of legal heir certificate. Since, the respondent has refused to issue the same, the petitioner has come forward with this Writ Petition seeking for the aforesaid relief.

4. Heard the learned counsel for the petitioner as well as the learned Government Advocate, who accepts notice for the respondent.

5. Considering the facts and circumstances of the case and also considering the submissions made herein, this Court directs the respondent to consider and pass orders on the representation/application of the petitioner dated 11.07.2016, on merits and in accordance with law, after giving notice to Mr.T.Thiagaraja, Mr.T.Saravanan and other concerned persons, as expeditiously as possible.

6. This Writ Petition is disposed of with the above directions. No costs.

सत्यमेव जयते

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

The Tahsildar,
Velachery,
Chennai.

+1 cc to Mr.D.Kanagasundaram Advocate sr 66005
+1 cc to Government Pleader sr 66665

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