

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.4087 of 2017

R.Radhakrishnan

... Petitioner

vs.

1. The Collector,
The Collectorate,
Social Welfare Department,
Rajaji Salai, Chennai - 1.

2. The Tashildar,
Egmore Taluk Office,
Chennai 600 031.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus calling for the entire records of the 2nd respondent in Proceedings No.C4/7268/2015, dated 25.06.2015 and quash the same and direct the respondents to issue the Legal Heir Certificate to Class II Heirs of Late Ms.R.Mallika, D/o.Late Ramachandra Bhat, who expired at Chennai on 16.03.2015, with costs.

For Petitioner : Mr.T.D.Selvan Babu

For Respondents : Mr.A.Kumar,
Special Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking to quash the impugned proceedings of the 2nd respondent dated 25.06.2015 and for a direction to the respondents to issue Legal Heir Certificate to Class II Heirs of Late Ms.R.Mallika, D/o.Late Ramachandra Bhat, who expired at Chennai on 16.03.2015.

2. According to the petitioner, Late R.Mallika, daughter of Late Sri.Ramachandra Bhat is his own sister. She is a divorcee as per the Decree of Dissolution of Marriage of the Hon'ble Principal Family Court, Chennai in F.C.O.P.No.707/1991, dated 06.02.1992 and she had no children through her wedlock with one T.K.Srinivasan. Subsequent to her divorce, she remained a spinster and was living with the petitioner and her mother.

3. It is further stated by the petitioner that the deceased R.Mallika was employed as Chief Accounts Officer in the Office of the Commissioner of Customs, Chennai and she died while in service and that the petitioner and another sister Ms.R.Rajeswari were the nominees of Late R.Mallika, as per her Service Records.

4. The grievance of the petitioner is that when he filed an application dated 01.06.2015 to the 2nd respondent for issuance of Legal Heir Certificate of his sister Late Ms.R.Mallika enclosing all the documents, the said authority rejected his application, by an impugned order dated 25.06.2015 stating that he is not a direct legal heir of Late Ms.R.Mallika and declined to issue a Legal Heir Certificate. Contending that he and another sister of the deceased Mallika are her Class II Legal Heirs, the petitioner made a representation dated 10.07.2015 to the 1st respondent seeking issuance of Legal Heir Certificate. Finding no response on the said application, the petitioner is before this Court.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. In view of the above, without expressing any opinion on the merits of the case, this Court directs the respondents herein to consider the petitioner's representation dated 10.07.2015 seeking issuance of Legal Heir Certificate of his sister Late Ms.R.Mallika, on merits and in accordance with law and pass appropriate orders, as expeditiously as possible.

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

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To:

1. The Collector,
The Collectorate, Social Welfare Department,
Rajaji Salai, Chennai - 1.
 2. The Tashildar,
Egmore Taluk Office, Chennai 600 031.
- +1 CC to M/s. T.D. Selvan babu, Advocate sr 11247

Order in
W.P.No.4087 of 2017

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