IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2017

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.21027 of 2017
and
W.M.P.No.21927 of 2017

S.Lalitha .. Petitioner

Vs.

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Tahsildar,
Alandur, Chennai. .. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified mandamus to call for the records pertaining to the impugned order passed by the second respondent in O.MU.No.2143/2017/A6 dated 17.07.2017 and quash the same and consequently direct the respondents to issue legal heirship certificate to the petitioner forthwith.

For Petitioner : Mr.K.Suresh Babu
for Mr.M.Balaji

For Respondents : Mr.P.Senthilvel
Government Advocate

O R D E R

The petitioner aged about 66 years is forced to file this writ petition before this Court, when her request for issuing legal heirship Certificate of her deceased brother by name Sankarnarayanan, who died as Bachelor, was rejected on the reason that the petitioner is not the direct legal heir of the deceased and therefore, she has to approach the Civil Court and seek remedy.

2.Learned counsel appearing for the petitioner submitted that the petitioner's brother by name Sankarnarayanan, was unmarried and passed away on 16.04.2017, leaving no direct legal heir. He further submitted that the petitioner being the only sister and the parents of the petitioner and the deceased having passed away long ago, is entitled to get the legal heir certificate. The learned counsel further invited this court's attention to the recent circular dated 09.08.2017, issued by the Principal Secretary/Commissioner of Revenue Administration, indicating the guidelines to be followed by the officials, while considering the case like that of the petitioner.

3.Learned Government Advocate appearing for the respondents based on instructions submitted that the Revenue Inspector of Alandur Taluk has conducted field enquiry and verified that the petitioner is the only legal heir of the deceased Sankarnarayanan. Therefore, he submitted that the claim of the petitioner will be considered afresh, based on the said report submitted by the Revenue Inspector, Alandur dated 08.07.2017 and the circular dated 09.08.2017 issued by the Revenue Administration Disaster Management and Mitigation Department.

4.Heard both sides.

5.Upon considering the above stated facts and circumstances and the report of the Revenue Inspector dated 08.07.2017, placed before this Court today, it is evident that the petitioner is the only legal heir of the deceased Sankarnarayanan and therefore, there cannot be any impediment for the second respondent to consider the claim of the petitioner based on the said report as well as the said circular issued by the Revenue Administration Disaster Management and Mitigation Department dated 09.08.2017, wherein in clause 5(3), it has been stated as to what are the procedures to be followed, while considering the request for issuing legal heirship certificate in case of unmarried children, which reads as follows:

"5-3) In case of unmarried Children-Parents or Siblings shall be the applicant and submit the following documents.

- Death Certificate of deceased
- Any proof to establish relationship of deceased (i.e)Birth Certificate/T.C. of deceased etc.
- Self-declaration of the parents/siblings."

6.Learned counsel for the petitioner also invited this court's attention to a recent order passed by this court in similar circumstances made in W.P.No.19145 of 2017 dated 05.09.2017, wherein this Court directed the Tahsildar therein to consider the application of the petitioner therein and pass orders after conducting enquiry and verifying the fact whether any other legal heirs are available. However, in this case, admittedly, since the field enquiry has also been conducted by the Revenue Inspector, Alandur and a report is also filed on

08.07.2017, the second respondent shall re-consider the whole issue once again based on the said report as well as the said circular. Accordingly, this writ petition is allowed and the impugned order is set aside and the matter is remitted back to the second respondent for considering the claim of the petitioner and pass orders on the same based on the report of the Revenue Inspector dated 08.07.2017 as well as the Government Circular dated 09.08.2017. Such exercise shall be done by the second respondent within a period of six weeks from the date of receipt of a copy of this order. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Tahsildar,
Alandur, Chennai.

+1cc to Mr.M.Balaji, Advocate, S.R.No.73467
+1cc to the Government Pleader, S.R.No.74365

W.P.No.21027 of 2017

RK(CO)
GN(01/11/2017)