

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:15.12.2017

C O R A M

THE HON'BLE Mr.JUSTICE K. RAVICHANDRABAABU

W.P.No.32758 of 2017

J.Nithyanandam

... Petitioner

Vs

The Tashildar,
Tondiarpet Taluk,
Chennai 600 081.

... Respondent

Prayer: Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified mandamus to call for the records pertaining to the impugned order passed by the respondent in Na.Ka.No.A6 1523/2016 dated 24.05.2017 and quash the same and consequently, direct the respondent to issue legal heirship certificate to the petitioner.

For petitioner ... M/s.N.K.Poongkuntan
For respondent ... Mr.R.Govindasamy
Special Government Pleader

ORDER

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondent. By consent, the writ petition itself is taken up for final disposal, as the issue involved in this case lies in a narrow campus.

2.The petitioner is aggrieved against the order passed by the respondent dated 24.05.2017, refusing to issue legal heirship certificate to the petitioner and three others as legal heirs of their deceased sister by name J.Dhanalakshmi.

2.The petitioner states as follows:

Her father and mother died intestate leaving behind two sons and three daughters as legal heirs, out of whom, one daughter by name J.Dhanalakshmi died on 16.06.2016 and she was unmarried during her life time. Therefore, the petitioner approached the respondent and sought for issuance of legal heirship certificate for the said deceased sister viz., J.Dhanalakshmi, by claiming that the petitioner and her brother viz., J.Somasundaram and two sisters viz., J.Latha and J.Sai Lakshmi are her Class II legal heirs. However, the respondent rejected the claim of the petitioner without assigning any reason except by stating that based on the enquiry conducted, the request of the petitioner cannot be considered.

3. Upon hearing the learned counsel for the petitioner and considering the averments made in the affidavit filed in support of the writ petition, this Court is of the view that the respondent has to consider the claim of the petitioner and three others and pass orders after conducting a detailed enquiry as to whether these persons are the legal heirs of the deceased J. Dhanalakshmi. Without doing so and without giving reason for such rejection, the respondent has passed the impugned order, which in my considered view, cannot be sustained. Accordingly, the writ petition is allowed and the impugned order is set aside. Consequently, the matter is remitted back to the respondent for considering the claim of the petitioner afresh by conducting a detailed enquiry to find out as to whether the petitioner and three others are the Class II legal heirs of the deceased or not. Such exercise shall be done and orders will be passed by the respondent within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

vri

To

The Tashildar,
Tondiarpet Taluk,
Chennai 600 081.

+1cc to Government Pleader SR.No.89937

+1cc to Mr.N.K.Poongkuntan, Advocate SR.No.89885

W.P.No.32758 of 2017

sm:28.12.2017

सत्यमेव जयते

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