

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.08.2017
CORAM:
THE HON'BLE MR.JUSTICE S. VAIDYANATHAN
W.P.No.10359 of 2004

N. Paruvatham

..Petitioner

Vs.

The Tahsildar,
Purasawalkam-Perambur Taluk,
Perambur, Chennai-600 011.

..Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuing a Writ of mandamus directing the respondent to issue Legal Heirship Certificate in petitioner favour arising out of the death of the petitioner's husband late Nainyappan.

For Petitioner : Mr. T.S. Rajamohan

For Respondents : Mr. Akhil Akbar Ali
Government Advocate

O R D E R

The petitioner has come forward with the above said writ petition for issuing a Writ of Mandamus to direct the respondent to issue Legal Heirship Certificate in petitioner's favour arising out of the death of the petitioner's husband, late Nainyappan.

2. Admittedly, the petitioner is the legal heir of her late husband who died on 12.06.1968 and her husband's parents pre-deceased the petitioner's husband. The petitioner applied for Legal Heirship Certificate which has been registered by the Tahsildar. As the petitioner has approached the Tahsildar after 36 years from the date of death of her husband, the Tahsildar, by letter dated 16.03.2004 addressed to the petitioner, observed that the petitioner will have to approach the Civil Court to get necessary Legal Heirship Certificate.

3. I find that there is no infirmity in the said order of the Tahsildar and the petitioner should have approached the Tahsildar for issuance of the Legal Heirship Certificate within a period of three years from the date of death of her husband, and if any application is not filed, the recourse open to the persons like the petitioner is to approach the Civil Court violation to get the Legal Heirship Certificate. It is open for the petitioner to approach the appropriate Civil Court to obtain the Legal Heirship Certificate in respect of her husband's death. It is open to the Civil Court to entertain the matter if it is within limitation.

4. With the above liberty, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

bri

Copy to

The Tahsildar,
Purasawalkam-Perambur Taluk,
Perambur, Chennai-600 011.

+1 cc to the Government Pleader sr 61619

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