

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 21.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM**W.P. (MD) No.5586 of 2017**

R.Lokesh Kannan

.. Petitioner

-Vs-

1. The District Collector,
Madurai District,
Madurai.
2. The Tahsildar,
Madurai South Taluk,
Madurai District.
3. The Village Administrative Officer,
East Madurai,
South Taluk,
Madurai.
4. The Regional Manager,
Central Bank of India,
Chennai.
5. The Deputy Regional Manager,
Central Bank of India,
Chennai.
6. The Chief Manager,
Central Bank of India,
Paranji Branch,
Vellore District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to issue legal heir certificate to the petitioner related to the death of his brother Late Sathish Kannan as he died on 22.05.2016 intestate without marrying anybody whose parents also predeceased to the death of the petitioner's brother.

For Petitioner

: Mr.R.Babu Jaganath

<https://hcservices.ecourts.gov.in/hcservices/> For RR 1 to 3

: Mr.D.Muruganantham

Additional Government Pleader

**O R D E R**

The prayer of the writ petition is for issuance of a Writ of Mandamus to direct the second respondent to issue legal heir certificate to the petitioner relating to the death of his brother, Late Sathish Kannan, who died on 22.05.2016.

2. The case of the petitioner is that his brother R.Sathish Kannan, who was working as an Assistant Manager in Central Bank of India at Paranjai Branch in Vellore District died in a road accident on 22.05.2016. The petitioner would claim that his parents have predeceased and his brother Sathish Kannan died as a bachelor. So the petitioner is the only legal heir of the deceased Sathish Kannan. So he applied for issuance of legal heirship certificate to the second respondent, who in turn forwarded the said application to the third respondent for enquiry. The third respondent, who conducted enquiry and stated that since there is no direct legal heir of the deceased, the petitioner has to approach the competent Civil Court to get relief. Accepting the recommendation of the third respondent, the second respondent has returned the application. Hence this writ petition.

3. Mr.R.Babu Jaganath, learned counsel appearing for the petitioner would submit that as per Section 8 of the Hindu Succession Act, 1956, the petitioner would come under the category of Clause-II legal heir. When Clause-I heir is not available, the persons who come under Clause-II heirs are entitled to get the legal heir certificate in their name. It is further contended that the second respondent without conducting proper enquiry and without giving sufficient opportunity to the petitioner, returned the application. The learned counsel for the petitioner relied upon the judgments of this Court passed in W.P.(MD).No.13655 of 2012, dated 27.02.2013 and W.P.(MD).No.18215 of 2016, dated 17.10.2016 in support of his contention.

4. Heard Mr.R.Babu Jaganath, learned counsel appearing for the petitioner and Mr.D.Muruganatham, learned Additional Government Pleader, who takes notice on behalf of the respondents 1 to 3 and also perused the records available.

5. It is the specific case of the petitioner that his brother died as a bachelor and except the petitioner, there are no legal heirs, since his parents have already passed away. In the judgment referred by the learned counsel for the petitioner, this Court has held that if Clause-I heirs are not live, Clause-II heirs are entitled to get the legal heirship certificate from the Competent Authority. Hence, the application of the petitioner is rejected merely on the ground that there is no direct legal heir of the deceased.



6. In view of the above facts, this writ petition is disposed of directing the petitioner to submit a fresh application to the second respondent enclosing this order copy and the orders passed in the Writ Petitions referred above, within a period of two weeks from the date of receipt of the copy of this order. On such receipt, the second respondent shall consider the petitioner's application and pass orders on merits and in accordance with law, in the light of the orders passed by this Court as stated supra within a period of six weeks thereafter.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District,
Madurai.
2. The Tahsildar,
Madurai South Taluk,
Madurai District.
3. The Village Administrative Officer,
East Madurai,
South Taluk,
Madurai.

+1cc to M/S. R.BABU JAGANATH, Advocate, SR.No.61316.
+1cc to Special Government Pleader, SR.No.61478.

W.P. (MD) No.5586 of 2017
21.06.2017

PJL
SDS/SV:MMS/SAR 2/22.06.2017/2P/6C