

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.02.2018

C O R A M

THE HON'BLE Mr.JUSTICE K. RAVICHANDRABAABU

W.P.No.4196 of 2018

Subramani

...Petitioner

vs

1. The Thasildar,
Office of the Thasildar,
Tambaram,
Kanchipuram District.

2. The Revenue Inspector
Chitlapakkam,
Kanchipuram District.

...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified Mandamus to call for the records of the 1st respondent in Na.Ka.No.5239/2017/A5 dated 07.01.2018 and quash the same and consequently direct the 1st respondent to issue legal heirship certificate of petitioner's mother Late.Rosiammal.

For petitioner : Mr.E.Viswanathan

For Respondents : Mr.B.Anandan,
Government Advocate

O R D E R

Mr.B.Anandan, learned Government Advocate takes notice for the respondents. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner is aggrieved against the order of the first respondent dated 07.01.2018, rejecting the request of the petitioner for issuing legal heirship certificate on the death of his mother only on the reason that his mother Rosiammal was the second wife of the petitioner's father namely Narayanasamy.

3.Heard Both sides.

4.The petitioner is the son of the said Narayanasamy, born

through his second wife viz.,Rosiammal. The said Narayanasamy died on 25.07.1990. Thereafter, the first respondent issued a legal heirship certificate on 12.03.1999 to his legal heirs including the petitioner herein. Thereafter, the petitioner's mother viz.,Rosiammal died on 16.09.2017 and consequently, the petitioner sought for legal heirship certificate after the death of his mother. The said request is rejected by the impugned order only on the reason that the deceased was second wife of his father. I am unable to understand as to why the first respondent has chosen to reject the request of the petitioner for issuing the legal heirship certificate after the death of his mother, merely because his mother happened to be the second wife of his father. When the first respondent has already chosen to issue the legal heirship certificate to the petitioner after the death of his father, the petitioner is entitled to get the legal heirship certificate after the death of his mother and therefore, the reasoning given by the first respondent in the impugned order cannot be sustained. Thus, the writ petition is allowed and the impugned order is set aside. The matter is remitted back to the first respondent for considering the request of the petitioner for issuing appropriate legal heirship certificate within a period of four weeks from the date of receipt of copy of this order. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vri

To

1. The Thasildar,
Office of the Thasildar,
Tambaram,
Kanchipuram District.
2. The Revenue Inspector
Chitlapakkam,
Kanchipuram District.
3. The Section Officer E.R.Section High Court Madras.

+1cc to Mr., Advocate, S.R.No.

+1cc to Govt Pleader S.R.No.14808

W.P.No.4196 of 2018

MG(CO)

RRK(28/02/2018)