

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.4982 of 2018

and

WMP.Nos.6141 to 6143 of 2018

Ms.Shreya Pakalpati

T-02, 3rd Floor

Inclover Grand Apartments

52, 1st Cross Road, New Baiyyapanahalli,

Indira Nagar,

Bangalore - 560 038.

Represented by her Power of Attorney

Ms.Urmi Chowdhur

.. Petitioner

Vs.

1.The Tahsildar

Tiruporur

Kanchipuram District.

2.Ms.P.Lakshmi Kumari

W/o.P.Appal Narasingh Raju

3.P.Appal Narasingh Raju

S/o.P.L.Raju

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records connected with the Legal Heirship Certificate dated 26.12.2017 under reference No.P.M.4187/2017/A4 and quash the same and direct the 1st respondent to issue a legal Heirship Certificate pursuant to my application dated 30.01.2018.

For Petitioner : Mr.John Zachariah

For Respondents : Mr.E.Balamurugan

Special Government Pleader for R1

Mrs.Srividhya Aravindan

for R2 & R3

O R D E R

The petitioner is aggrieved against the Legalheirship certificate dated 26.12.2017 issued by the first respondent only in respect of inclusion of the third respondent's name also as one of the legal heirs of the deceased. In other words, the petitioner is questioning the proceedings of the first respondent in including the father of the deceased as one of the legal heirs, especially, when the other Class I legal heirs namely, the petitioner and the second respondent are very much alive and they have also shown as legal heirs.

2. One Prabhakar Raju Pakalpati, is the father of the petitioner and son of the second and third respondents. He died on 18.07.2017 at Chennai. On the death of the said person, an application was made before the first respondent for issuing the Legalheirship certificate of the deceased. It is stated that except the petitioner and the second respondent, who are the Class I heirs, there is no other person coming under such category. It is further stated that the third respondent being the father of the deceased would fall under Class II heir category and therefore, when Class I heirs of the deceased are very much alive, the third respondent cannot be shown also as one of the legal heirs of the deceased. However, the first respondent has chosen to include the name of the third respondent also as one of the legal heirs along with the petitioner and the second respondent.

3. The learned counsel for the second and third respondent fairly submitted that the first respondent is not justified in including the third respondent's name also as one of the legal heirs of the deceased since he is only Class II heir and consequently, he cannot be included in the Legalheirship certificate along with Class I heirs namely the mother and the daughter of the deceased.

4. An affidavit dated 08.03.2018 by the third respondent to that effect is also filed before this Court.

5. Considering the above stated facts and circumstances, this Court is of the view that the first respondent is not justified in including the name of the third respondent also as one of the legal heirs of the deceased since he happens to be only Class II heir. Consequently, the first respondent has to issue a fresh Legalheirship certificate with the same file number, by deleting the name of the third respondent. Accordingly, this writ petition is disposed of, by directing the first respondent to issue a fresh Legalheirship certificate to the petitioner, by including Class I heir alone as the legal heirs of the deceased. Such exercise shall be done by the first

respondent within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mk

To,

The Tahsildar
Tiruporur
Kanchipuram District.

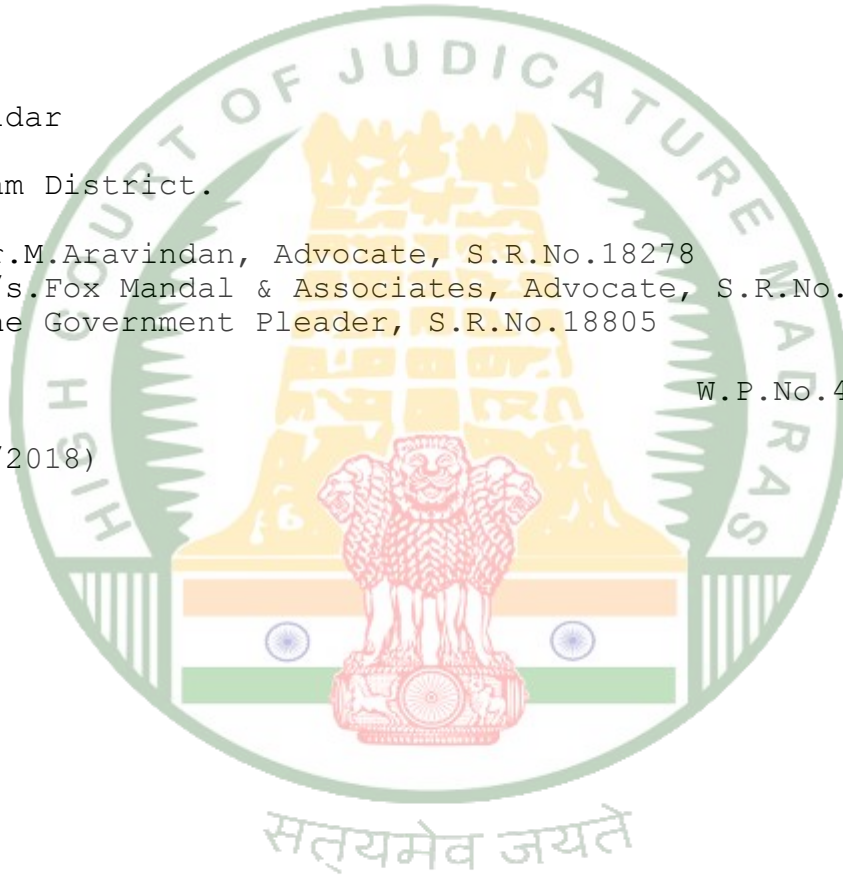
+2cc to Mr.M.Aravindan, Advocate, S.R.No.18278

+1cc to M/s.Fox Mandal & Associates, Advocate, S.R.No.18344

+1cc to the Government Pleader, S.R.No.18805

W.P.No.4982 of 2018

RRK(19/03/2018)



WEB COPY