

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.15021 of 2016

A.Vittal Rao
S/o.Late A.Sankar Rao

.. Petitioner

Vs.

The Tahsildar
Mylapore Taluk
Chennai-600 028.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order dated 06.04.2015 in Na.Ka.No.A4/15697/2014 of the respondent herein and quash the same and consequently, direct the respondent to issue legal heir certificate of the petitioner's deceased mother Nagubai who died on 13.11.1998.

For Petitioner : Mr.G.Anbayachozhan

For Respondent : Mr.D.Suriya Narayanan
Additional Government Pleader

O R D E R

The petitioner, aged about 72 years, is aggrieved against the order passed by the respondent dated 06.04.2015, rejecting his request for grant of legal heir certificate for her deceased mother, by name Nagubai, only on the reason that the respondent was not in a position to ascertain the legal heirs of the deceased, as she died 17 years ago.

2. The learned counsel for the petitioner submitted that all the details with regard to the legal heirs of the deceased mother were furnished before the respondent and it is open for the respondent to enquire at the place, where the deceased lived, to ascertain the claim of the petitioner. Therefore, he submitted that the respondent is not justified in rejecting the request of the petitioner.

3. On the other hand, the learned Additional Government Pleader for the respondent submitted that since the application was made after a period of 17 years, the request of the petitioner has not been considered.

4. Heard both sides.

5. The only reason stated in the impugned order is that the respondent is not in a position to ascertain the legal heirs of the deceased, since the death had taken place 17 years back. That cannot be a ground for rejecting the petitioner's request for issuing the legal heir certificate, as it is the duty of the respondent to conduct proper enquiry in the locality and find out, as to who are the legal heirs, apart from perusing the supportive documents filed by the petitioner. Without doing so, the respondent is not justified in rejecting the petitioner's application. Accordingly, this writ petition is allowed and the impugned order is set aside. Consequently, the matter is remitted back to the respondent to conduct proper enquiry in the locality and pass appropriate orders. Such exercise shall be done by the respondent within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

mk

To
The Tahsildar
Mylapore Taluk
Chennai-600 028.

+1cc to Mr.G.Anabaya Cholan, Advocate SR.No.2786
+1cc to Government Pleader SR.No.2995

GN(29/01/2018)

W.P.No.15021 of 2016

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