

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.1301 of 2017

Anitha Girijashanker

... Petitioner

Vs.

1.The Tahsildar,
Guindy Taluk,
Chennai - 15.

2. The Revenue Inspector,
Guindy Taluk,
Chennai - 15.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to impugned order Ref.Na.Ka.No.E1/1313/2016 dated 25.10.2016 passed by the 1st respondent and quash the same and direct the respondents to issue petitioner's husband R.K.Girijashanker's Legalheirship Certificate by processing the petitioner's representation dated 12.04.2016.

For Petitioner : Mr.R.Sundarakamesh

For Respondents : Mr.R.Govindasamy
Special Government Pleader

O R D E R

The petitioner is aggrieved against the proceedings of the first respondent dated 25.10.2016 refusing to issue Legal heirship Certificate in pursuant to the death of her husband by name R.K.Girijashanker.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The only reasons stated in the impugned order is that the deceased/ petitioner's husband was an American citizen and

therefore, the request of the petitioner for issuing the legal heirship certificate could not be considered.

4. On the other hand, it is submitted by the learned counsel for the petitioner that the above contention of the first respondent is not correct since the deceased was holding the certificate of registration stating that he is an Overseas citizen of India and that the petitioner is also holding Aadhaar card issued by the Government of India. It is also stated that the petitioner's husband died only at Chennai while he was staying here during his holidays. Therefore, it is contended that the first respondent can reconsider the issue once again by giving due opportunity of personal hearing to the petitioner.

5. Considering the above stated facts and circumstances and also the Certificate of Registration issued by the Consulate General of India to Newyork indicating that the petitioner's husband was an Overseas citizen of India and also considering the fact that the petitioner is also holding the Aadhaar card issued in her name, this Court is of the view that the case of the petitioner can be reconsidered by the first respondent once again by giving due opportunity of personal hearing to the petitioner. Accordingly, the writ petition is allowed and the impugned order is set aside and the matter is remitted to the first respondent for reconsidering the whole issue once again afresh. The petitioner is also permitted to produce all the material documents in support of her claim to the first respondent who shall pass fresh orders after hearing the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

vsi

To

1. The Tahsildar,
Guindy Taluk,
Chennai - 15.

2. The Revenue Inspector,
Guindy Taluk,
Chennai - 15.

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+1 CC to Mr.R. Sundarakamesh, Advocate sr 556.
+1 cC to Govt. Pleader sr 897

W.P.No.1301 of 2017

SP (09/01/2018)



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