

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.17418 of 2017

Hemanth Kumar

.. Petitioner

Vs

1. The District Collector,
Chennai-600 001.

2. The Tahsildar,
Perambur, Purasawalkam Taluk,
Chennai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue of Certiorarified mandamus quashing the refusal order passed by the second respondent Letter.No. (X.K.(m6)/1637/2017), dated 12.04.2017 consequently direct the second respondent to issue a Legal Heirship Certificate.

For Petitioner : Mr.S.Palani Rajan

For Respondent : Mr.R.S.Selvam for R1 and R2
Government Advocate

ORDER

The order of rejection, rejecting the claim of the Writ Petitioner for grant of Legal Heirship Certificate is under challenge in this Writ Petition.

2. The Learned counsel appearing for the Writ Petitioner states that the Writ Petitioner has filed an application for grant of Legal Heirship Certificate with the second respondent/Tahsildar. The Tahsildar, on enquiry, rejected the application submitted by the Writ Petitioner in proceedings dated 12.04.2017, stating that the Legal Heir Certificate sought for, was in respect of the person, who died 35 years back. This apart, the Tahsildar was unable to ascertain the facts and circumstances in respect of the deceased person. Thus, the application filed by the Writ Petitioner has been rejected.

3. The learned Government Advocate, appearing on behalf of the respondent, states that the father of the

Writ Petitioner died 35 years back and that personal details are unable to be collected and verified by the Tahsildar. Thus, the Tahsildar was not in a position to grant the Legal Heirship Certificate as claimed by the Writ Petitioner.

4. This Court is of an opinion that the details of the facts, in relation to the deceased father of the Writ Petitioner, are not available and also, if the Tahsildar is unable to collect all those particulars, then it is left open to the Writ Petitioner to file an appropriate petition before the competent Civil Court of law for the purpose of getting succession certificate.

5. Thus, it is left open to the Writ Petitioner to approach the competent Civil Court of law for the purpose of redressing his grievances in respect of the impugned order. The reasons furnished by the Tahsildar are certainly candid and convinencing as the Tahsildar, even on enquiry, is unable to get the particulars and details of the deceased father of the Writ Petitioner, who died 35 years back.

6. Therefore, this Court is of the opinion that the reasons stated by the second respondent are in accordance with law and there is no infirmity as such. Hence, this Writ Petition stands dismissed without costs.

Sd/-

Assistant Registrar (Co)

//True Copy//

Sub Assistant Registrar

gbi /ay

To

1. The District Collector,
Chennai-600 001.
2. The Tahsildar,
Perambur, Purasawalkam Taluk,
Chennai.

+1cc to Mr.S.Palani Rajan , Advocate SR.No. 60316
+1 CC TO GOVERNMENT PLEADER SR.NO. 60657

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ASK(28/09/2018)