

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.13400 of 2018

P.Venkatachalam

.. Petitioner

-VS-

The Tahsildar  
Coimbatore North Taluk  
Balasundaram Salai  
Coimbatore 641 018.

.. Respondent

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to issue legal heirship certificate to the petitioner by considering his application dated 03.02.2018 within a reasonable time as may be fixed by this Court.

For Petitioner :: Mr.A.E.Ravi Chandran  
For Respondent :: Mrs.K.Bhuvaneswari  
Additional Government Pleader

ORDER

The petitioner claims to be the son of late Palani Navithan, who died on 28.08.1990 due to his old age at No.4, Veerapandi Village, Coimbatore North Taluk. Immediately thereafter, his death was registered and a death certificate was issued by the Executive Officer, Veerapandi Town Panchayat bearing Registration No.23, dated 31.08.1990. As his father was having land and small house at SF No.110 No.4 Veerapandi Village, Coimbatore North Taluk, measuring to an extent of 6 cents, the petitioner along with other legal heirs applied through RPAD for legal heirship certificate before the respondent, along with all necessary documents. Since he was not even called for enquiry by the Revenue Inspector or by the Village Administrative Officer, Veerapandi Village, he has been advised to come to this Court.

2. The learned Additional Government Pleader appearing for the respondent submits that in view of long delay, the petitioner has to approach the civil Court.

3. This contention has to be repelled for more than one reason. Firstly, the Secretary, Revenue Department had already issued a circular to all the District Collectors and District Revenue Officers with a specific direction to issue legal heirship certificate, even if the applicant approaches the authorities belatedly. Following the same, this Court has also reiterating the said circular issued by the Secretary, Revenue Department held specifically that in the matters of obtaining legal heirship certificate, the Revenue Department cannot reject the request on the ground of delay. Useful reference had been made in the order passed by me in W.P.(MD)No.14956 of 2013 batch etc.

4. In the light of the above, this writ petition stands disposed of with the following directions:

(a) the petitioner is hereby directed to approach again the Tahsildar, Coimbatore North Taluk and submit an application within 10 days along with a copy of this order enclosing the death certificate of his father, ration card and other documents showing that he is the legal heir of late Palani Navithan, who died on 28.08.1990.

(b) On receipt of such application, the Tahsildar, Coimbatore North Taluk, shall consider the same within two weeks thereafter.  
No costs.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

vsm

To

The Tahsildar  
Coimbatore North Taluk  
Balasundaram Salai  
Coimbatore 641 018.

+1 CC to Mr.A.E. Ravichandran, Advocate sr 35086.  
+1 CC to Govt. Pleader sr 35373.

W.P.No.13400 of 2018

SR(CO)  
SP(18/06/2018)