

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.11.2018

CORAM :

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.18821 of 2018

S. Vijayakumar

...Petitioner

versus

- 1.The District Collector,
O/o. The District Collector,
Kanchipuram,
Kanchipuram District.
- 2.The District Revenue Officer,
O/o. The Revenue Office,
Kanchipuram,
Kanchipuram District.
- 3.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Kanchipuram,
Kanchipuram District.
- 4.The Tahsildar,
O/o.The Tahsildar,
Sriperumpudur Town & Taluk,
Kanchipuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1 to 4 respondents herein to pass an appropriate order of direction to issue the legal heirs certificate that one Late.V.Ellan son of Late.Veerassamy who was the resident of Amarambedu Revenue Village situated in Somangalam Post, Sriperumpudhur Taluk, Kanchipuram District and who was died on 30.07.1930 is the paternal Grandfather of 1.S.Tamilrasu 2.S.Mathivanan, 3.S.Vijayakumar, 4.Mrs.Bhavani @ Jaya Gandhi and Mrs.Jayanthi the sons and daughters of late E.Sahadevan son of Late.V.Ellan on the basis of the petitioner representation dated by the register post and in persons dated 20.06.2018.

For Petitioner : Mr.Dalit Tiger C.Ponnusamy

For Respondents: Mr.V.Shanmugasundar,
Special Government Pleader

O R D E R

The writ petition has been filed seeking a direction to the respondents 1 to 4 herein to pass an appropriate order of direction to issue the legal heirship certificate of his grandfather one Late.V.Ellan son of Late.Veerasamy, who was the resident of Amarambedu Revenue Village situated in Somangalam Post, Sriperumputhur Taluk, Kanchipuram District and who died on 30.07.1930. The petitioner has also made a representation on 20.06.2018.

2. The learned Special Government Pleader produced a Circular No.11/2017 Rc.No.RA.5(3)/180/2017 dated 09.08.2017 in which, Clause 7 general instructions are given. It specifically directs the Tahsildar shall not to issue legal heirship certificate for certain cases and to inform the applicants to approach the Competent Court for obtaining legal heir certificates. The clause 7(3) is applicable to the petitioner which reads as under :

"In case of the person treated as death who is missing for the period of 7 years or staying away from the family and in case of adopted child or no children"

3. In this case, the person died even in the year 1930 and the petitioner approached this Court only in 2018. Therefore, the prayer in the writ petition cannot be granted except directing the petitioner to approach the appropriate Civil Court for the remedy.

4. With the above directions, the writ petition is disposed of. No costs.

rsi

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
O/o. The District Collector,
Kanchipuram,
Kanchipuram District.

2.The District Revenue Officer,
O/o. The Revenue Office,
Kanchipuram,
Kanchipuram District.

3.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Kanchipuram,
Kanchipuram District.

4.The Tahsildar,
O/o.The Tahsildar,
Sriperumpudur Town & Taluk,
Kanchipuram District.

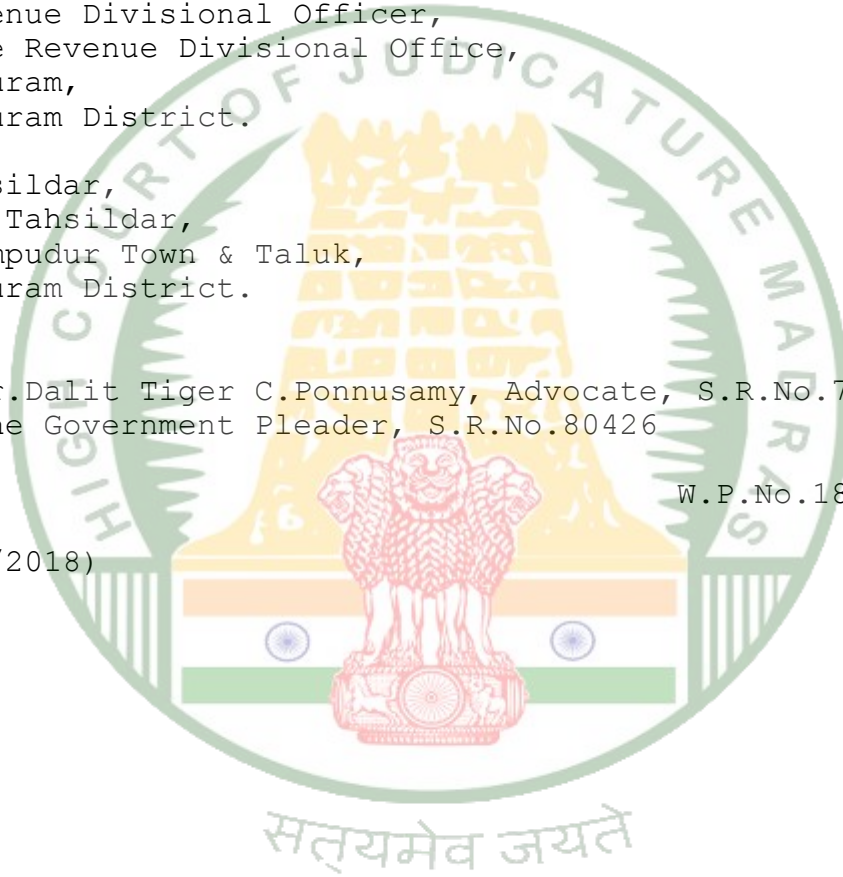
+1cc to Mr.Dalit Tiger C.Ponnusamy, Advocate, S.R.No.79422

+1cc to the Government Pleader, S.R.No.80426

W.P.No.18821 of 2018

SS(CO)

KAK(21/12/2018)



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