

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.12.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.19480 of 2018

M. Saraswathy

.. Petitioner

versus

1. The Tahsildar,  
Annur,  
Coimbatore District.

2. The Sub Registrar,  
Annur Registrar Office,  
Coimbatore.

3. S. Poovathal

4. S. Satheshkumar

5. S. Gowtham

.. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to issue a legal heir certificate in the name of late Mr.Duraiswamy.

For Petitioner : Mr.S.Sivaraman

For RR1 & 2 : Mr.E.Balamurugan

Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking a direction to the first respondent-Tahsildar to issue a legal heir certificate of her father Late Mr.Duraiswamy.

2. The petitioner claims that she is the daughter of Late Duraiswamy, who died on 01.02.1983 and her mother died on 17.09.2006. The petitioner claims to have two brothers, one named Subramaniam, who pre-deceased even the mother on 17.07.2004 and another brother D.Velusamy, who died in August 2017. She claims that she is the only sole surviving legal heir

of the said Duraiswamy. The third respondent is the wife of deceased Subramaniam, fourth and fifth respondents are their children.

3. Heard Mr.S.Sivaraman, learned counsel appearing for the petitioner and Mr.E.Balamurugan, learned Special Government Pleader appearing for the respondents 1 & 2.

4. From the above facts, it is clear that the said Duraiswamy died in the year 1983. Thereafter, the legal heirs also died one after the other. In such facts and circumstances the petitioner has to approach Civil Court for issuance of legal heir certificate and workout her remedy to declare herself to be the legal heir. It is open to the petitioner to approach appropriate Civil Court to declare her heirship.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Tahsildar,  
Annur,  
Coimbatore District.

2. The Sub Registrar,  
Annur Registrar Office,  
Coimbatore.

+1 cc to The Government Pleader, Sr.No.83996

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