

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No. 26943 of 2018

K.Tamilarasu

.. Petitioner

Vs

The Tahsildar,
Mylapore & Triplicane,
Taluk Office,
Chennai - 600 028

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus by quashing the impugned order of the respondent in Centre I.D.No.TACCH no.42 dated 30.07.2018 and consequently, direct the respondent to issue legal heir certificate of petitioner's father, viz., Mr.Kulasekaran, as claimed in petitioner's representation.

For Petitioner : Mr.V.Neethidurai

For Respondent : Mr.J.Ramesh
Additional Government Pleader

O R D E R

The relief sought in this writ petition is to quash the impugned order dated 30.07.2018 passed by the respondent and consequently direct the respondent to issue legal heir certificate of the petitioner's father, viz., Kulasekaran to the petitioner.

2. The case of the petitioner is that his father married one Sagunthala [petitioner's mother] and due to their wedlock, the petitioner and three sisters were born to them. Due to sudden death of his mother, the petitioner's father married one Lakshmi, who is none other than the sister of the petitioner's mother and out of their wedlock, two children were born to them. Consequently, the petitioner sought a legal heir ship certificate incorporating the names of all his brothers and sisters as legal heirs of his father, viz., Kulasekaran,

however, the same has been rejected, by the order impugned herein.

3. The learned counsel for the petitioner submitted that there is no rival claim and all the legal heirs of the deceased are jointly claiming the benefits of the deceased.

4. The learned Additional Government Pleader for the respondent fairly submitted that the prayer of the petitioner would be re-considered by the authorities within a time to be stipulated by this Court.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, the Impugned order dated 30.07.2018 passed by the respondent is set aside and the matter is remanded to the respondent for fresh consideration and the respondent is directed to pass necessary orders, on merits and in accordance with law, within a period of two weeks from the date of a receipt of copy of this order, after hearing all the concerned parties.

6. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

ssd

To

The Tahsildar,
Mylapore & Triplicane,
Taluk Office,
Chennai - 600 028

+1cc to Mr. V.Neethidurai, Advocate, S.R.No. 74942
+1cc to the Government Pleader, S.R.No. 75332

W.P.No. 26943 of 2018

GN(02/11/2018)