

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.29664 of 2018

Malini Ravindran

.. Petitioner

Vs.

1. The District Collector,
Chennai District,
Collectors Office,
Chennai - 600 001.
2. The Tahsildar,
Egmore-Nungambakkam Taluk Office,
Spur Tank Road, M.S.Nagar,
Mukta Gardens, Egmore, Chennai,
Tamil Nadu - 600 313.

.. Respondents

PRAYER: Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the record of the second respondent pertaining to impugned order of the second respondent dated 07.08.2018 in his proceedings Na.Ka.e4/4364/2018 and quash the same and direct the second respondent to issue a class II legal heir certificate to the petitioner herein, Malini Ravindran, as the legal heir to the deceased writ petitioner V.S.Ranganathan on the basis of her application dated 16.07.2018 forthwith.

For Petitioner : Mr.N.Chandra Raj
For Respondents: Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the record of the second respondent pertaining to impugned order of the second respondent dated 07.08.2018 in his proceedings Na.Ka.e4/4364/2018 and quash the same and direct the second respondent to issue a class II legal heir certificate to the petitioner herein, Malini Ravindran, as the legal heir to the

deceased writ petitioner V.S.Ranganathan on the basis of her application dated 16.07.2018 forthwith.

2. The petitioner is the sister of the deceased one V.S.Ranganathan, who is her brother and died as a Bachelor. Since their parents already died, she is the only surviving legal heir to him. The legal heir certificate issued on the death of father V.Srinivasan and mother Lakshmi Sreenivasan shows that the petitioner and his brother are the only legal heirs to them and his marital status was shown as "unmarried". Thus, on account of the death of said Ranganathan on 23.06.2018, the petitioner applied for legal heir certificate, but, the same was refused on the ground that she is not Class I legal heir and therefore, directed her to approach the Competent Court.

3. The counter affidavit has been filed by the second respondent, wherein, the Circular No.11 of 2017 (Rc.No.RA.5(3)/180/2017) dated 09.08.2017 issued by the Principal Secretary/Commissioner of Revenue Administration, Revenue Administration and Mitigation Department, Chepauk, Chennai, is referred to, which states that as per Clause 7, no certificate shall be issued under Indian Succession Act, 1925. As per the Hindu Succession Act, 1956, the sister would be Class II legal heir of the deceased brother.

4. Even in the impugned order, it is specifically stated that on enquiry, it is found that the deceased was not married and died as a Bachelor and it is also found that since the petitioner is the sister of the deceased, she is not Class I legal heir to him. Since the petitioner is the only surviving legal heir as on date, she is entitled for the legal heir certificate as Class II legal heir under the Hindu Succession Act.

5. Considering the facts and circumstances of the case, this Court is of the view that the order passed by the second respondent is illegal and the same is liable to be set aside. Accordingly, the impugned order dated 07.08.2018 in proceedings No. Na.Ka.e4/4364/2018 is set aside and the second respondent is directed to issue legal heir certificate to the petitioner based on enquiry within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is allowed. There shall be no order as to costs.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

To

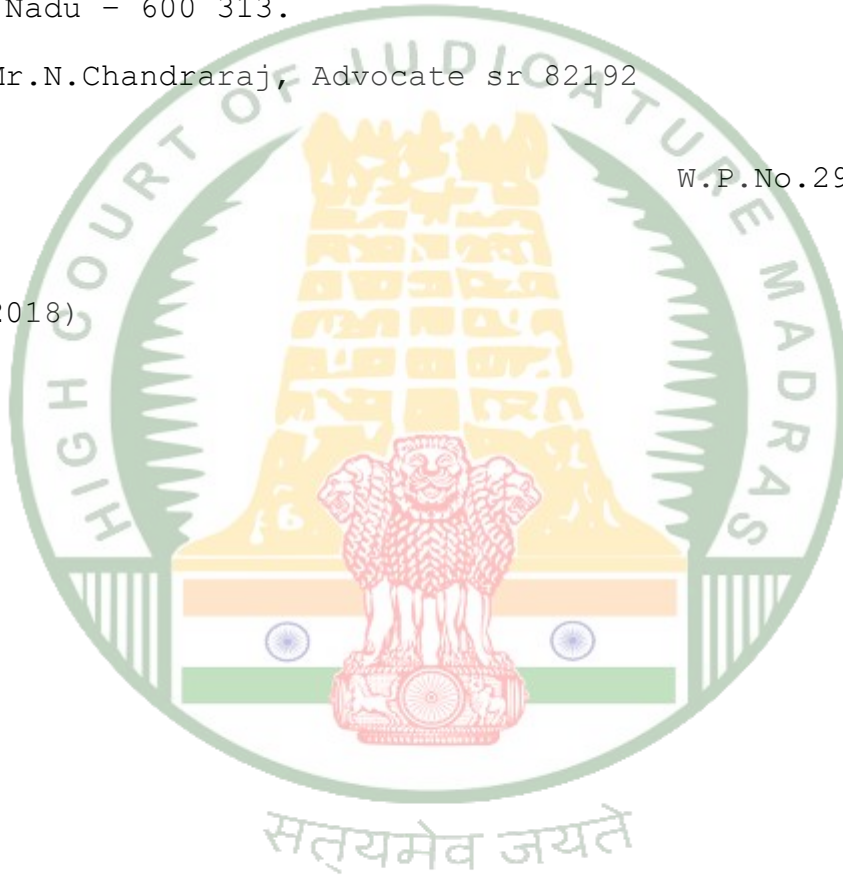
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+1 CC to Mr.N.Chandraraj, Advocate sr 82192

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RV(CO)
SP(21/12/2018)



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