

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.32622 of 2018
& WMP.No.37825 of 2018

U.Mallika

.. Petitioner

Vs.

The Tahsildar,
Taluk Office-Egmore Circle,
Chennai-600 031.

.. Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling upon the records pertaining to the impugned letter/order ref:No.E4/3187/2017 dated 07.09.2017 of the respondent and quash the same and direct the respondent to issue a Legal Heir Certificate in favour of the petitioner as applied for.

For Petitioner : Mr.S.Rathnasabapathy
For Respondent : Mr.S.Sureshkumar,
Government Advocate

ORDER

By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed challenging the order passed by the respondent/Tahsildar, vide impugned letter/order ref:No.E4/3187/2017 dated 07.09.2017. The petitioner's husband namely Shri.P.V.K.Uma Maheswaran died on 09.04.2014, leaving behind his wife, namely U.Mallika, the petitioner herein, minor U.Jayantika and P.V.K.Lakshmi, who are the adopted daughter and mother-in-law of the petitioner respectively. The respondent/Tahsildar has passed the impugned order 07.09.2017 stating that since the said U.Jayantika, is the adopted daughter of the petitioner, the Legalheirship Certificate

cannot be issued by the respondent and the petitioner should approach the competent Civil Court to obtain the same.

3. Heard, Mr.S.Sureshkumar, the learned Government Advocate for the respondent. The learned Government Advocate has referred to Circular No.11 of 2017 in RC No.RA5(3) 180/2017, Revenue Administration / Disaster Management dated 09.08.2017, in which, guidelines are given to the Revenue Department for issuance of Legalheirship Certificate. In Clause 7 of the General Instructions, Sub Clauses 4 and 8 specifically direct the Tahsildar not to issue a Legalheirship Certificate in case of adopted children and the applicants have to approach the Competent Authority to obtain the Legaheirship Certificate. As admittedly, U.Jayantika, is the adopted daughter of the petitioner, the Tahsildar has rightly passed the order directing her to approach the Civil Court and this Count finds no infirmity in the same. The petitioner is at liberty to approach the Civil Court.

4. Accordingly, this petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

The Tahsildar,
Taluk Office-Egmore Circle,
Chennai-600 031.

+1cc to Mr.S.Rathnasabapathy, Advocate, S.R.No.84827

+1cc to the Government Pleader, S.R.No.86295

W.P. No.32622 of 2018

SAI (CO)
GSP(29/01/2019)