

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.12.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.33195 of 2018

R.Murugesan

.. Petitioner

Vs.

The Tahsildar,
Anaicut Taluk,
Anaicut,
Vellore District.

.. Respondent

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order dated 12.10.2018 under reference Na.Ka.A2/10/2018 of the respondent and quash the same and consequently direct the respondent to issue legal heir certificate with respect to the petitioner's father late Ramasamy.

For Petitioner : Mr.V.Anandhan

For Respondent : Mr.N.Inbanathan

Additional Government Pleader

O R D E R

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

2. The petitioner has come up with this Writ Petition to call for the records pertaining to the order dated 12.10.2018 under reference in Na.Ka.A2/10/2018 of the respondent, to quash the same and consequently to direct the respondent to issue legal heir certificate with respect to the petitioner's father late Ramasamy.

3. The petitioner states that his father died on 25.07.1988 leaving behind his sons including the petitioner and daughter, namely, Indirani and they have not obtained the legal heir certificate so far. Hence, the petitioner has applied for legal heirship certificate through online on 12.09.2018 by enclosing necessary documents and the same was rejected. Hence, the petitioner is before this Court.

4. Heard Mr.V.Anandhan, learned counsel appearing for the petitioner and Mr.N.Inbanathan, learned Additional Government Pleader appearing for the respondent.

5. The impugned order reads that the Tahsildar is unable to conduct an enquiry and there are no reasons assigned therein. Admittedly, it is a non speaking order. It is also well settled by this Court that there is no limitation for making application for obtaining legal heir certificate. The respondent cannot shirk his responsibilities by simply stating that it is not possible to make enquiry. Therefore, the impugned order is set aside and the respondent is directed to conduct an enquiry without adverting to the question of limitation after issuing notice to the petitioner and the persons interested in this regard and also affording them due opportunity of personal hearing and issue legal heir certificate. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rsi
To

The Tahsildar,
Anaicut Taluk,
Anaicut,
Vellore District.

+2cc to Mr.V.Anandhan , Advocate SR.No. 87126
+1 CC TO GOVERNMENT PLEADER SR.NO. 87422

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ASK(08/01/2019)

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