

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2019

CORAM

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.3886 of 2019

E.Chandra

...Petitioner

Vs.

The Tahsildhar,
Alandur Taluk,
Taluk Office, Alandur.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records comprised in the proceedings of the respondent dated 16.03.2015 in proceedings O.Mu.No:987/2015/A6, and quash the same as arbitrary and illegal and consequently direct the respondent to issue a legal heir certificate of Mr.T.M.Elumalai within the time to be fixed by this Hon'ble Court.

For Petitioner : Mr.M.Venkatakrishnan

For Respondent : Mr.E.Balamurugan

Special Government Pleader

O R D E R

Mr.E.Balamurugan, learned Special Government Pleader takes notice for the respondent. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed challenging the order of the respondent dated 16.03.2015, wherein and whereby, the petitioner's request for issuing legal heir certificate for her deceased husband was rejected, only on the ground that her husband passed away 32 years back and therefore, the petitioner has to resort to the proceedings before the Civil Court and obtain the relief.

3. Heard, the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

4. The petitioner claims to be the wife of one T.M.Elumalai, who is said to have expired on 20.02.1983. According to the petitioner, he left the petitioner and the four children as his legal heirs. It is stated that the petitioner applied for issuing legal heir certificate before the respondent and the same was rejected through the impugned order stating that the husband of the petitioner died 32 years back and therefore, the petitioner has to seek remedy only before the Civil Court.

5. This Court has considered the very same issue earlier and found that such cannot be the reason for refusing to consider the request for issuing the legal heir certificate, as the respondent can very well conduct the inquiry in the locality and find out as to who all are the legal heirs of the deceased. Without doing so, the respondent is not justified in washing off his hand like the one as challenged in this writ petition.

6. Accordingly, this writ petition is disposed of, by directing the respondent to consider the application filed by the petitioner and pass orders on the same on merits and in accordance with law, after conducting appropriate inquiry. Such exercise shall be done by the respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

The Tahsildhar,
Alandur Taluk,
Taluk Office, Alandur.

+1cc to Mr.M.Venkatakrishnan, Advocate, S.R.No.11742
+1cc to the Government Pleader, S.R.No.12296

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CA(CO)
CS/05/03/2019