

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2019

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.9816 of 2019

Deena Gomez

.. Petitioner

Vs.

The Thasildar
Office of Thasildar
Udhagamandalam
Nilgiri District.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records and quash the proceedings of the respondent in Na.Ka.B2/004101/2018 dated 12.12.2018 and consequentially, issue directions to the respondent to issue the legal heir certificate.

For Petitioner: Mr.C.D.Johnson

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. The petitioner, aged about 65 years, is aggrieved against the order passed by the respondent dated 12.12.2018, rejecting her request for grant of legal heir certificate for her deceased husband, namely, Dominic Gomez, only on the reason that the respondent was not in a position to ascertain the legal heirs of the deceased, as he died 14 years ago.

3. The learned counsel for the petitioner submitted that all the details with regard to the legal heirs of the deceased husband were furnished before the respondent and it is open for the respondent to enquire at the place, where the deceased lived, to ascertain the claim of the petitioner. Therefore, he

submitted that the respondent is not justified in rejecting the request of the petitioner.

4. On the other hand, the learned Special Government Pleader for the respondent submitted that since the application was made after a period of 14 years, the request of the petitioner has not been considered.

5. Heard both sides.

6. The only reason stated in the impugned order is that the respondent is not in a position to ascertain the legal heirs of the deceased, since the death had taken place 14 years back. That cannot be a ground for rejecting the petitioner's request for issuing the legal heir certificate, as it is the duty of the respondent to conduct proper enquiry in the locality and find out, as to who are the legal heirs, apart from perusing the supportive documents filed by the petitioner. Without doing so, the respondent is not justified in rejecting the petitioner's application. Accordingly, this writ petition is allowed and the impugned order is set aside. Consequently, the matter is remitted back to the respondent to conduct proper enquiry in the locality and pass appropriate orders. Such exercise shall be done by the respondent within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

mk

To

The Thasildar
Office of Thasildar
Udhagamandalam
Nilgiri District.

+1cc to Mr.CD.Johnson, Advocate SR.No.32035

+1cc to Government Pleader SR.No.31944

W.P.No.9816 of 2019

NRJK(CO)
GMY(10/04/2019)