

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No. 21665 of 2019

1. Mrs. T. Sarvambikai
2. Mr. T. Apisheg

..Petitioners

-Vs-

1. The Tahsildar,
Velachery Taluk,
Chennai 600 042.
2. The Collector,
Chennai District,
No. 62, Rajaji Salai,
Singaravelar Maaligai,
Chennai 600 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First Respondent/Tahsildar, Velachery Taluk and the Second Respondent/Collector of Chennai to issue necessary Legal Heirship Certificate of late M.Thiagarajah in favour of the Petitioners, on the basis of representation made online on 24.10.2018 (TN720181024966) and subsequently on 26.11.2018 by way of Written representation.

For Petitioners : Mr. M.A. Srinivasan

For Respondents : Mr. M. Karthikeyan,
Additional Government Pleader

ORDER

The Writ Petition has been filed by the Petitioners directing the First Respondent/Tahsildar, Velachery Taluk and the Second Respondent/Collector of Chennai to issue necessary Legal Heirship Certificate of late M.Thiagarajah in favour of the Petitioners, on the basis of representation made online on 24.10.2018 (TN720181024966) and subsequently on 26.11.2018 by way of written representation.

2. The Respondents have filed Counter Affidavit stating that the father of the Petitioner viz., M. Thiyaagraja, who was a citizen of Sri Lankan, died on 22.08.2018 and it was not possible to grant any Legal Heirship Certificate for him as he was not a citizen of India to whom alone the Legal Heirship Certificate could be issued. That apart, it is informed that even before the Writ Petition was filed, the First Respondent by the order dated 20.11.2018, has rejected the claim of the Petitioner for issuance of Legal Heirship Certificate, which has not been challenged till date.

3. In view of the aforesaid submissions made by the Respondents, which deserves acceptance, there is no justification to entertain this Writ Petition. However, it is made clear that no view has been expressed by this Court on the rights of the Petitioner to claim to be the legal heir of his deceased father and if such question arises, the same shall be determined by the proper forum in accordance with law, uninhibited and uninfluenced by the refusal to issue legal heirship certificate by the Respondents.

4. Accordingly, this Writ Petition is dismissed with the aforesaid observations. No costs.

vji/gsa/vjt

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Tahsildar,
Velachery Taluk,
Chennai 600 042.

+1cc to Mr.M.A.Srinivasan, Advocate, SR.No.75000

+1cc to the Govt.Pleader, Vide Sr.No.75626

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Kak(18/09/2019)

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