

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.13851 of 2018

A.Durai

...Petitioner

Vs.

The Tahsildar,
Velacherry Taluk,
Taramani Velacherry Link Road,
Taramani, Chennai - 600113.

...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 of the respondent herein made in B2/1276/2018 dated 23.04.2018 and quash the same and consequently direct the respondent herein to issue legal heirship certificate to the petitioner and his children by conducting proper enquiry in accordance with law.

For Petitioner : Mr.S.Thirumavalavan

For Respondent : Mr.R.Govindasamy
Special Government Pleader

ORDER

The petitioner is aggrieved against the order of the respondent refusing to issue legal heirship certificate to the deceased Sridevi, whom the petitioner claims to have marriage as the second husband after the death of the first husband.

2. According to the petitioner, the respondent has rejected the application without conducting a proper enquiry, merely based on the reports submitted by the Revenue Inspector.

3. Perusal of the impugned order would show that the deceased Sridevi had two husbands out of whom the petitioner seems to be the second husband. It is further seen from the impugned order that the children were born through the first and second husbands. If that be the case, it is for the respondent to conduct proper enquiry to find out who are the heirs of the deceased Sridevi recognized under law and thereafter to issue a proper legal heirship certificate.

4. Therefore, without expressing any view on the merits of the claim made by the petitioner, this writ petition is disposed of, by remitting the matter back to the respondent to conduct a fresh enquiry and thereafter to pass appropriate orders on merits and in accordance with law for providing the legal heirship certificate to the deceased Sridevi. Such exercise shall be done by the respondent within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

sni

To

The Tahsildar,
Velacherry Taluk,
Taramani Velacherry Link Road,
Taramani, Chennai - 600113.

+1cc to Mr.S.Thirumavalavan, Advocate SR.No.38927

+1cc to Government Pleader SR.No.39885

W.P.No.13851 of 2018

EV(CO)
GMY(20/05/2019)

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