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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.23167 of 2018

V.Lakshmi

..Petitioner

vs.

The Tahsildar,
Tahsildar office,
Kalasapakkam,
Thiruvannamalai District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of The Constitution of India praying to issue writ of mandamus, directing the respondent to consider the representation of the petitioner's written representation dated 29.08.2018 within a stipulated period.

For Petitioner : M/s.V.Kayalvizhi

For Respondent : Mr.N.Inbanathan,
Additional Government Pleader

O R D E R

The petitioner is a lady aged 70 years. She is one among 7 children of Late.Narayanasamy Pandaram who died on 22.09.1972. Her eldest sister was aged 82 years in the year 2018. All the daughters and sons of Late.Narayanasamy Pandaram are running from pillar to post seeking Legal heir Certificate from the respondent namely the Tahsildar at Kalasapakkam, Thiruvannamalai District. Late.Narayanasamy Pandaram is said to be a Freedom Fighter and he had also actively participated in socially relevant activities.

2. In additional typed set of papers filed by the petitioner herein his Death Certificate has been enclosed. The Death Certificate reveals that he died at Gangavaram Village.

3. The request of the petitioner was rejected on 09.04.2018 on the ground that the petitioner had not produced any residential proof that she was residing at Kalasapakkam.



4. In this connection, the learned Additional Government Pleader had forwarded circular in Circular No.9/2019 R.C.No.RA 5 (3) 180/17 issued by the Revenue Department on 24.09.2018 which relates to issue of Legalheir Certificate. This is a circular relating to application of Legalheirs Certificate on-line. The father of the petitioner having died in the year 1972, can never be expected to conform to any of the requirements as required in the circular. In the circular, the requirements are Death Certificate which the petitioner has produced. Apart from the Death Certificate, it is also stated that the address proof of deceased Narayanasamy Pandaram must be produced. The address proof must be in the form of Aadhar, Voter I.D, Passport, Bank Passbook/Postal Book and Pension payment order.

5. As a freedom fighter and as a social worker who died in the year 1972, it is only natural that the father of the petitioner did not have any of them.

6. On the other hand, documents have been enclosed in the additional typed set of papers which had been issued in contemporaneous period on 30.05.1963, 05.04.1965, 15.03.1967, 01.08.1966, 25.04.1971, 21.03.1971, 22.01.1971, 05.04.1965, 20.08.1971, 22.01.1971 and 05.04.1965, all of which relate to the activities of father of the petitioner, Late.Narayanasamy Pandaram. They all confirm to the fact that he was a socially active person and was involved in the welfare of the people.

7. In view of the same, this Writ Petition is allowed and the petitioner is directed to give a fresh representation to the respondent, enclosing the documents filed in cost and also any other relevant document. On receipt of such representation, the respondent namely the Tahsildar is directed to give an opportunity of personal hearing to the petitioner and also to her brothers and sisters and thereafter, pass a fresh order with respect to grant of Legal heir Certificate. It must be placed on record that the Tahsildar is not disputing the fact that the petitioner or her brothers and sisters and the sons and daughters of Late.Narayanasamy Pandaram. The only aspect which request clarification is the address of Late.Narayanasamy Pandaram.

8. By contemporaneous documents as stated above, the petitioner may establish the address of the father. The representation of the petitioner is to be given afresh to the Tahsildar on or before 10.01.2020. The said Tahsildar may pass an order after due verification and enquiry on or before 29.02.2020.



9. With these observations, this Writ Petition is allowed.
No costs.

Sd/-
Assistant Registrar(J)

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// True Copy//

Sub Assistant Registrar

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To

The Tahsildar,
Tahsildar office,
Kalasapakkam,
Thiruvannamalai District.

+1cc to Ms.V.Kayalvizhi, Advocate, SR.No.104840.
+1cc to Government Pleader, SR.No.105274.

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(CO)
CSR: 08.01.2020