

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2019

CORAM

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

W.P. No. 19000 of 2019

Geeta P. Shah

... Petitioner

-vs-

The Tahsildar,
Perambur-Puraswalkam Taluk,
Chennai.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondent to receive the application seeking Legal Heir Certificate of Petitioner's deceased sister Anitha Shah, who died on 13.03.2017, conduct an enquiry and issue Legal Heir Certificate for Petitioner's deceased sister Anitha Shah, who died on 13.03.2017 by showing 1. R. Krishnakumar, 2. R.Chaturbhuj, 3. Geetha P. Shah (myself), 4. P. Preetesh Kumar and 5. Snehal (4 & 5 Children of pre-deceased brother Purushottamadass) as the class II legal heirs of deceased Anitha Shah, within a time limit that may be fixed by this Court.

For Petitioner : Mr. B. Harikrishnan

For Respondent : Mr. R. Venkatesh,
Government Advocate.

O R D E R

The Writ Petition has been filed for a direction to the Respondent to receive the application seeking Legal Heir Certificate of the deceased sister of the Petitioner, viz., Anitha Shah, who died on 13.03.2017, and conduct an enquiry and issue Legal Heir Certificate for the Anitha Shah by showing R. Krishnakumar, R. Chaturbhuj, Geetha P. Shah, who are the siblings of the deceased and P. Preetesh Kumar and Snehal, who are the children of the pre-deceased brother of the deceased, as the class II legal heirs of the deceased Anitha Shah, within a time limit that may be fixed by this Court.

2. Learned Government Advocate appearing for the Respondent submits that the issuance of Legal Heirship Certificate is presently governed by circular No. 9/2019 dated 24.09.2019 issued by the Commissionerate of Revenue Administration and Disaster Management, in which there is no provision for issuing Legal Heirship Certificate to the siblings, where the deceased does not have any Class I heirs. It is further stated that in furtherance to the order dated 30.07.2019 passed by this Court, fact finding enquiry was conducted by the Respondent and a Certificate dated 09.11.2019 has been issued showing the relationship of the Petitioner and the said R. Krishnakumar, R. Chaturbhuji, Geetha P. Shah (Petitioner), P. Preetesh Kumar and Snehal with the deceased Anitha P. Shah.

3. In this context, it would be germane to recapitulate that the Legal Heirship Certificate issued by the Revenue Authorities is merely a report of a fact finding exercise and does not have any statutory sanctity and that is why it has been held by this Court in Thirumurthy E. -vs- Collector of Chennai (1998 WLR 347) that the Legal Heirship Certificate issued by the Tahsildar is neither conclusive, nor would it confer any right on the person in whose favour the same had been issued, nor it would exclude the other legal heirs, if any, of the deceased.

4. Having regard to the aforesaid legal position coupled with the facts mentioned supra, it would suffice to observe here that the Petitioner can rely on the Relationship Certificate Ni. Mu. No. C2/0218/ 2019 dated 09.11.2019 issued by the Respondent, for the purpose to establish that the deceased sister of the Petitioner, viz., Anitha Shah, does not have any Class I heirs and that in the absence of any evidence to the contrary, the said R. Krishnakumar, R. Chaturbhuji, Geetha P. Shah (Petitioner), P. Preetesh Kumar and Snehal as siblings, were Class II heirs of the deceased.

5. The Writ Petition is disposed with the aforesaid observations. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The Tahsildar,
Perambur-Puraswalkam Taluk,
Chennai.

+1cc to Mr.B.Harikrishnan, Advocate Sr.93425
+1cc to the Government Pleader Sr.94098

W.P. No. 19000 of 2019

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