

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.06.2019

CORAM

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

W.P. No.2985 of 2018

Srinivasan Prakash

..Petitioner

vs

The Tahsildar,
Velachery Taluk,
Taramani, Chennai 600 113. ... Respondent

Prayer: 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 in proceedings No.B2/5802/2017, dated 06.12.2017 and quash the same and consequentially direct the respondent to issue legal heirship certificate of the deceased Mr.S.Ravi Kumar to the petitioner as per the petitioner's application dated 06.12.2017.

For Petitioner : Mr.S.Shreniek
For Respondents : Mr.Akhil Akbar Ali,
Government Advocate

O R D E R

The Petitioner has filed this Writ Petition challenging the order No. B2/5802/2017 dated 06.12.2017 passed by the Respondent, viz., Tahsildar, Velachery Taluk, Chennai, refusing to issue Legal Heirship Certificate of deceased S. Ravi Kumar to the Petitioner as there was no provision or ruling in the Government to issue such Certificate for demise of siblings and the Tahsildar and the Executive Magistrate are not competent to issue Class-II Legal Heirship Certificate as per existing guidelines.

2. During the earlier hearing on 04.06.2019, the Learned Counsel for the Petitioner has produced Circular No. 11//2017 dated 09.08.2017 issued by the Principal Secretary/Commissioner of Revenue Administration, Government of Tamil Nadu, for issuing Legal Heirship Certificate in which it has been stated in clause 5-3 that in case of unmarried children, parents or siblings shall be the applicant and submit the following documents:-

- (i) Death Certificate of the deceased.
- (ii) Any proof to establish relationship of deceased (i.e.) Birth Certificate/T.C. of deceased, etc.

(iii) Self-declaration of the parents/siblings.
Learned Additional Government Pleader appearing for the Respondent, who had taken time to verify the same, on instructions, submits that if the matter is remitted back to the Respondent, the application would be disposed within two weeks following the aforesaid circular.

3. In view of the aforesaid submission made by the Learned Additional Government Pleader, the impugned order No. B2/5802/2017 dated 06.12.2017 issued by the Respondent is set aside and the matter is remitted back to the Respondent for fresh consideration of the application of the Petitioner in the light of the Circular No. 11/2017 dated 09.08.2017 and the same shall be disposed within a period of 15 days from the date of receipt of copy of this order and the decision taken should be communicated to the Petitioner under written acknowledgment. The Respondent shall also file a report of such compliance before the Registrar (Judicial) of this Court by 17.07.2019. No Costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rkp
To

The Tahsildar,
Velachery Taluk,
Taramani, Chennai 600 113.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.

+1cc to Mr.S.Shreniek , Advocate SR.No. 48426
+1 cc to Government Pleader Sr.No. 48086

W.P. No.2985 of 2018

A.SK(17/06/2019)