

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2019

CORAM

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

W.P. No. 20957 of 2019

R. Paneer Selvi

... Petitioner

-vs-

The Tahsildar,
Aminjikkarai Taluk Office,
Chennai - 600 030.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the Respondent with regard to the order passed in Na. Ka. No. CO634/2019 dated 01.07.2019 and quash the same and to direct the Respondent to issue Legal Heirship Certificate in respect of late R. Parthasarathy.

For Petitioner : V.S. Jagadeesan

For Respondent : Mr. R. Venkatesh,
Government Advocate

O R D E R

The Petitioner has made an application dated 02.04.2019 to the Respondent to issue Legal Heirship Certificate of his deceased brother, viz., R. Parthasarathy, who died on 03.11.2018. According to the Petitioner, the said R. Parthasarathy did not have any Class I heirs and that the Petitioner and her sisters R. Prema and R. Lakshmibhai were his Class II heirs, whose names ought to be included in his Legal Heirship Certificate.

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 has been issued showing the relationship of the Petitioner and the said R. Prema and R. Lakshmibhai as siblings of the deceased R. Parthasarathy.

3. In this context, it would be germane to recapitulate that the Legal Heirship Certificate issued by the Revenue Authorities in 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 dated 25.09.2019 issued by the Respondent, for the purpose to establish that the deceased brother of the Petitioner, viz., R. Parthasarathy, did not have any Class I heirs and that in the absence of any Class I heirs of her deceased brother, the Petitioner and the said R. Prema and R. Lakshmibhai, as his siblings, were his Class II heirs.

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

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

vjt

To

The Tahsildar,
Aminjikkarai Taluk Office,
Chennai - 600 030.

+1cc to Mr.V.S. Jagadeesan, Advocate SR.No.82877

W.P. No. 20957 of 2019

CA(CO)
GMV(28/11/2019)