

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2019

CORAM

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

W.P.NO.22347 OF 2019

S.Vasudevan

... Petitioner

-vs-

The Tahsildar,
Taluk Office,
Perambur,
Chennai 600 011.

... Respondent

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondent to consider Petitioner's representation dated on 13.07.2019 within stipulated period and consequently, direct the Respondent to issue the legal heirship certificate of the Petitioner's deceased sister namely TMT. Vijayanthi Mala.

For Petitioner : Mr.T.V.G.Karthikeyan

For Respondent : Mr.J.Purushothaman,
Government Advocate

O R D E R

The Petitioner made an application dated 13.07.2019 to the Respondent to issue Legal Heirship Certificate of his deceased sister, viz., Vijayanthi Mala, who died on 27.04.2019. According to the Petitioner, the said Vijayanthi Mala did not have any Class I heirs and that the Petitioner, his brother Venugopal and his sister Sulochana were her Class II heirs, whose names ought to be included in her 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 dated 25.09.2019 has been issued showing the relationship of the Petitioner and the said Venugopal and Sulochana as siblings of the deceased Vijayanthi Mala and a copy of the same has been produced, which is placed on record.

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 dated 25.09.2019 issued by the Respondent, for the purpose to establish that the deceased sister of the Petitioner, viz., Vijayanthi Mala, did not have any Class I heirs and that in the absence of any Class I heirs of his deceased sister, the Petitioner and the said Venugopal and Sulochana, as her siblings, were her Class II heirs.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gsa

To

The Tahsildar,
Taluk Office, Perambur,
Chennai 600 011.

+1cc to the Government Pleader, S.R.No.83204

W.P.No.22347 of 2019

SSD(CO)
CS/25/11/2019