

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.01.2019

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P. NO.25560 of 2018

Risa Ahamed

.. Petitioner

..Vs..

The Tahsildar,
Walajah Taluk Office,
Walajah,
Vellore District.

... Respondent

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to call for the records of the respondents proceedings in O.Mu.A3/10682/2017 dated 04.01.2018 to quash the same and thereby direct the respondent herein to issue legal heir certificate of the deceased Pakkithini Hajee Basha Sahib died on 02.06.1939 by considering the petitioner's representation dated 12.12.2017.

For Petitioner : Mr.Durai Gunasekaran
For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader

सत्यमेव जयते

O R D E R

The petitioner has come up with this Writ Petition challenging the respondent's proceedings in O.Mu.A3/10682/2017 dated 04.01.2018 and to quash the same and thereby direct the respondent herein to issue legal heir certificate of the deceased Pakkithini Hajee Basha Sahib who died on 02.06.1939, by considering the petitioner's representation dated 12.12.2017.

2. The case of the petitioner is that he made a representation to the respondent on 12.12.2017, for issuance of legal heir certificate of his deceased great grandfather,

Mr.Pakkithini Hajee Basha Sahib who died as early as on 02.06.1939, leaving behind three sons and three daughters. All the said persons died prior to 1956 on various dates. In the said representation the petitioner had given full details of the legal heirs of late Pakkithini Hajee Basha Sahib. The respondent herein deputed Revenue Inspector to submit a detailed report with respect to the petitioner's representation. But the Revenue Inspector has submitted a report without any enquiry. The copy of the said report was not furnished to the petitioner to make his submission. Further the Tahsildar has not given any opportunity to the petitioner to make his submission and refused to give legal heir certificate on the sole ground that the petitioner's great grandfather died some 74 years back. It is further stated that though the petitioner has produced the death certificate of all the legal heirs of Mr.Pakkithini Hajee Basha Sahib, and furnished the details of the legal heirs, the respondent herein has simply rejected the petitioner's representation, vide proceedings dated 04.01.2018. Challenging the same, the present Writ Petition has been filed.

3. Heard both sides. Perused the materials on record.

4. Though the petitioner has produced death certificates of the legal heirs of the deceased Pakkithini Hajee Basha Sahib, the Tahsildar has expressed his difficulty in considering the legal heirs available as on date. Hence, he has directed the petitioner to approach the civil court and get the legal heir ship declared. As almost 80 years gone, since the petitioner's great grandfather died, it is difficult of the revenue authorities to find out the legal heirs. Hence, it is open to the petitioner to approach the civil court and get his legal heir ship declared by producing the necessary documents.

With the above observations, this writ petition is disposed of. No costs.

arr

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

The Tahsildar,
Walajah Taluk Office,
Walajah,
Vellore District.

+lcc to Mr.Durai Gunasekaran, Advocate, S.R.No.4119
+lcc to the Government Pleader, S.R.No.5514

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