

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.01.2019

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.33016 of 2018
and WMP No.38279 of 2018

K.Rajalakshmi

...Petitioner

vs.

1. The Tahsildar,
Namakkal District,
Namakkal.

2. The Village Administrative Officer,
Kumarapalayam,
Namakkal District.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, quashing the status order rejecting the issuance of Legal Heirship Certificate dated 06.10.2018 and thereby directing the respondent to issue Legal Heirship Certificate under the prescribed guidelines issued in the Manual of Revenue Department.

For Petitioner : Mr.T.K.S.Bharathy Anandraj

For Respondents: Mr.V.Shanmugasundar
Special Govt. Pleader

ORDER

The prayer sought for in this Writ Petition is for the issuance of a Writ of Certiorarified Mandamus, to quash the status order rejecting the issuance of Legal Heirship Certificate dated 06.10.2018 and thereby directing the respondent to issue Legal Heirship Certificate under the prescribed guidelines issued in the Manual of Revenue Department.

2. Heard Mr.T.K.S.Bharathy Anandraj, learned Counsel appearing for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader appearing for the respondents.

3. Admittedly, the petitioner is the daughter of the second wife of one Kanthasamy. The said Kanthasamy had married the mother of the petitioner even when the first marriage with one Pappammal was in subsistence. The said Kanthasamy died on 16.10.2009 and had one son namely Karthik Kumar through his first wife. The petitioner is the only daughter born through the second wife Rathna, who died on 21.02.2014. The said first wife Pappammal died on 10.07.2017. The petitioner applied for Legal Heir Certificate through on-line on 18.09.2018. The respondents enquired the petitioner and she described to the respondents about the fact marriage of her father with her mother and the first wife. The petitioner fairly admitted that Karthik Kumar is the son born in the first marriage of her father and stated that the said Karthik Kumar and herself are the legal heirs of the deceased Kanthasamy. However, the respondents rejected the claim of the petitioner for issuance of legal heir certificate on the ground that the petitioner has not furnished legal heir details.

4. This Court has considered the averments set out in the affidavit filed in support of the Writ Petition and perused the impugned order.

5. On going through the impugned order, this Court is of the view that the respondents are perfectly justified in rejecting the prayer of the petitioner for issuance of legal heir certificate in the absence of complete details. If at all, the petitioner can prove her relationship with deceased before the Competent Civil Court and get a certificate regarding the same.

6. For the foregoing reasons, the writ petitioner stands dismissed with liberty to the petitioner to approach the Competent Civil Court, to prove her relationship with the deceased Kanthasamy. No costs. Consequently, the connected miscellaneous petition is closed.

jv

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

1. The Tahsildar,
Namakkal District,
Namakkal.

2. The Village Administrative Officer,
Kumarapalayam,
Namakkal District.

+lcc to Mr.T.K.S.Bharathy Anandraj, Advocate, S.R.No.6849
+lcc to the Government Pleader, Vide, S.R.No.8213

SJ(CO)
KAK(01/03/2019)

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