

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2019

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THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.34702 of 2018

M.Padmanaban

.. Petitioner

Vs.

1. The District Collector,
Chennai District, Chennai.

2. The Tahsildar,
Mambalam Taluk Office,
Mambalam, Chennai - 600 078.

.. Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd respondent to consider the representation given by the petitioner dated 10.12.2018 to issue Class II Legal Heir Certificate for the deceased M.Shanthalakshmi.

For Petitioner : Mr.D.Rajagopal

For Respondents: Mr.E.Balamurugan

Special Government Pleader

सत्यमेव जयते
O R D E R

The present Writ Petition has been filed for issuance of a Writ of Mandamus to direct the 2nd respondent/Tahsildar, Mambalam, to consider the representation given by the petitioner dated 10.12.2018.

2. The learned counsel appearing for the petitioner submitted that the parents' names of the petitioner are one Munuswamy and Saradambal. The petitioner along with one Rameshan, Shanthalakshmi, Girija and Ananthalakshmi were born out of the wedlock of Munuswamy and Saradambal. The petitioner's father was working under the Central Government and died on 15.07.1993 leaving behind the petitioner and his brothers,

sister and mother. On 08.12.2012, the sister of the petitioner viz., M.Girija, who was already married, died. Subsequently, the mother of the petitioner died on 16.01.2013. The another sister of the petitioner viz., Ananthalakshmi is married and living with her husband.

3. It is further submitted that the petitioner's sister viz., M.Shanthalakshmi died on 18.07.2018 leaving behind the petitioner and his brother. So, the petitioner and his brother are the Class II legal heirs of his sister M.Shanthalakshmi and they are unmarried and unemployed. Hence, the petitioner has made a representation before the 2nd respondent requesting to issue Class II Legal Heir Certificate, but, the same is yet to be considered by the 2nd respondent.

4. Heard Mr.E.Balamurugan, Special Government Pleader appearing for the respondents.

5. Considering the facts and circumstances of the case, this Court is of the view that since the petitioner and his brother are entitled for the legal heir certificate as Class II legal heir under the Hindu Succession Act, the 2nd respondent/Tahsildar, Mambalam, is directed to issue legal heir certificate to the petitioner based on enquiry within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Chennai District, Chennai.

2. The Tahsildar,
Mambalam Taluk Office,
Mambalam, Chennai - 600 078.

+1cc to Mr.D.Rajagopal, Advocate sr.no.4097

W.P.No.34702 of 2018

nr 30/01/2019



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