



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.12.2019
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

W.P. (MD) .No.7185 of 2018
and
W.M.P. (MD) No.6912 of 2018

Peter Nallathambi

.. Petitioner

Vs.

The Tahsildar,
Palayamkottai Taluk,
Collectorate,
Tirunelveli - 627 009.

.. Respondent

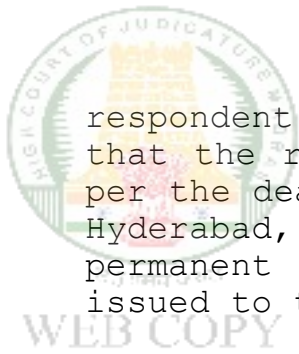
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the Endorsement in Om.No.A1/7023/15, dated 20.10.2015 on the file of the first respondent herein and to quash the same and direct the respondent to issue a Legal Heirship Certificate to the petitioner and his father for the death of his mother Chellammal who passed away on 18.03.2015 at Hyderabad, within a time frame.

For Petitioner : Mrs.P.Jessi Jeeva Priya
For Respondent : Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

This Writ Petition is filed for issuing a Writ of Certiorarified Mandamus to quash the impugned order of respondent dated 20.10.2015 rejecting the application filed by the petitioner for issuing Legal Heirship Certificate to the petitioner on the file of the first respondent herein and to quash the same and direct the respondent to issue a Legal Heirship Certificate to the petitioner and his father for the death of his mother Chellammal who passed away on 18.03.2015 at Hyderabad.

2.The petitioner states that he is the son of one Chellammal. It is stated that the petitioner's father is a retired Sub Registrar of Cooperative Societies and worked in the department of Cooperative Societies for several years. His mother was a house wife and died on 18.03.2015 leaving behind two sons and a daughter. Though the petitioner's mother stated to be a resident of Palayamkottai, it is stated that on account of acute illness, the petitioner's mother was taken to Hyderabad for treatment as the petitioner's elder brother was working in Hyderabad. When the petitioner approached the



respondent for issuance of Legal Heirship Certificate, it appears that the respondent rejected the application on the ground that as per the death extract issued by the Greater Municipal Corporation of Hyderabad, the address of the petitioner's mother was shown to be permanent and that therefore, Legal Heirship Certificate cannot be issued to the petitioner by the respondent.

3.The petitioner has produced the Pension Payment Order of the petitioner's father, voter identity card of the petitioner's father and various documents. The petitioner's identity card, family card and other documents would clearly establish that the petitioner and his parents are the permanent residents of Palayamkottai which comes under the jurisdiction of the respondent. The petitioner's mother died when she was admitted in hospital at Hyderabad. Merely because the death certificate shows the residence of the petitioner's mother in Hyderabad as permanent, the respondent cannot refuse to consider all the documents which were produced by the petitioner to prove the permanent residence of the petitioner's mother. The petitioner's parents are permanent residents of Palayamkottai and his father is a retired Government servant. In such circumstances, the impugned order is not sustainable. Hence, the same is set aside and the Writ Petition is allowed. The respondent shall consider the petitioner's application for issuance of Legal Heirship Certificate for the deceased mother of petitioner on merits and in accordance with law within a period of eight weeks after hearing both petitioner and other heirs. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To
The Tahsildar,
Palayamkottai Taluk,
Collectorate,
Tirunelveli - 627 009.

+1 CC to SPL GP (SR-104190[F] dated 10/12/2019)
+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate (SR-104364[F] dated 11/12/2019)

ORDER MADE IN
W.P. (MD) No.7185 of 2018
09.12.2019