

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 31.01.2020

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.2297 OF 2020

AND

W.M.P.NO.2670 OF 2020

1.T.T.Srinivasan
2.T.T.Santhanam
3.T.T.Sridharan

... Petitioners

Vs

1. The Tahsildar
Mambalam Taluk,
Chennai-600 078

... 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 of the Respondent resulting in the impugned order in Na.Ka.No.E1/2790/2019 dated 05.12.2019.

For Petitioner : Mr.S.A.Akbar

For Respondent : Mr.R.A.S.Senthil kumar
Additional Government Pleader

ORDER

The Writ Petition filed in the nature of Certiorarified Mandamus, calling for the records directing the respondent namely Tahsildar, Mambalam Taluk, Chennai, passed impugned order Na.Ka.No.E1/2790/2019 dated 05.12.2019 to set aside the same and also to direct the said officials to issue legal heir certificate to the petitioners.

2. There are three petitioners, who are before this Court. The first petitioner is aged about 87 years, the second respondent is aged about 83 years and the third petitioner is aged about 80 years. Their parents T.S.Thiruvengkatachari and Mrs.Singarammalchari, have expired. The petitioners had two sisters and one brother. One of the sisters, M.Vijayalakshmi died on 07.01.2003. The second sister Sulochana died on

02.11.1999. The brother T.T.Jaganathan also died on 17.09.2018. In the affidavit it is sated that he died as a bacholor. The three petitioners claim to be the sole surviving Legal Heirs of T.T.Jaganathan. They are class II Legal Heirs. They applied for Legal Heir Certificate from the respondent. The respondent had conducted an enquiry. He had refused to grant Legal Heir Certificate and direct the petitioner to approach the Civil Court.

2. This reasoning of the respondent is based on a circular dated 24.09.2019. However, the respondent is expected to apply his mind to the facts of each case. The brother T.T.Jaganathan died as a bachelor. The three petitioners are his brothers and sole surviving legal heirs. They are senior citizens. The two sisters have also died.

3.The order of the Tahsildar, dated 05.12.2019 in Na.Ka.No.E1/2790/2019 is hereby set aside and the Tahsildar, Mambalam Taluk, is directed to issue Legal Heir Certificate in favour of the three petitioners with respect to the death of their brother T.T.Jaganathan. The said legal heir certificate should be issued on or before 14.02.2020.

4.With the above direction, the Writ Petition stands disposed of.No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsn

To

The Tahsildar
Mambalam Taluk,
Chennai-600 078

+2cc to Mr.S.A.Akbar, Advocate, S.R.No.7418
+1cc to the Government Pleader, S.R.No.8127

W.P.No.2297 of 2020

and

W.M.P.No.2670 of 2020

NRL (CO)
CS/12/02/2020