

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.28205 of 2012

L.Pownammal

... Petitioner

Vs.

The Tahsildar,
Madurantakam,
Kancheepuram District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a writ of certiorarified call for the records relating to the order passed by the respondent herein in O.Mu.301/2012/A4 dated 03.02.2012, quash the same and consequently direct the respondent herein to alter the Legal heir certificate issued in Pa.Mu.4575/2000 dated 05.10.2000 by putting the name of deceased Kuppammal W/o.Subburaya Gounder in the place of Pownammal W/o.Subburaya Gounder.

For Petitioner : Mr.G.Mahesh Kumar

For Respondent : Mr.R.S.Selvam
Government Advocate

O R D E R

This writ petition has been filed challenging the order dated 03.02.2012 passed by the respondent rejecting the petitioner's request for rectification of the legal heirship certificate.

2.It is the case of the petitioner that by mistake the respondent has issued a legal heirship certificate for his deceased mother-in-law Kuppammal disclosing that the deceased person was Pownammal instead of Kuppammal. The legal heirship certificate was issued on 05.10.2000. The respondent has rejected the request of the petitioner for rectification of the legal heirship certificate dated 05.10.2000 for Kuppammal on the ground that the petitioner has approached the respondent for rectification after 10 years.

3.Heard Mr.G.Mahesh Kumar, learned counsel for the petitioner and Mr.R.S.Selvam, learned Government Advocate for the respondent.

4.This Court has perused and examined the impugned order of the respondent dated 03.02.2012. The respondent has rejected the legal heirship certificate for Kuppammal dated 05.10.2000 only on the ground that the petitioner has approached for rectification after 10 years.

5.This Court is of the considered view that cannot be a ground for rejection for rectification of the legal heirship certificate as legal heirship certificate is a public document required to establish the relationship between the deceased and the legal heirs. A categorical stand has been taken by the petitioner in this writ petition that by mistake the respondent has mentioned the name of Pownammal as the deceased instead of Kuppammal.

6.Further, it is the case of the petitioner that Pownammal, is the petitioner and the daughter-in-law of Kuppammal. However, it is for the respondent to consider the genuineness of the petitioner's request for rectification based on the supporting documents produced by her before the respondent.

7.Since the respondent has rejected the request for rectification only on the ground of delay which cannot be a valid reason, this Court is of the considered view that the impugned order dated 03.02.2012 passed by the respondent has to be set aside. Accordingly, impugned order dated 03.02.2012 passed by the respondent is set aside and the matter is remanded back to the respondent for fresh consideration in accordance with law after giving the petitioner sufficient opportunity to produce all the supporting documents in support of her contention as per her representation dated 23.01.2012. The respondent shall pass final orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

8.With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-VI)

// True Copy//

Sub Assistant Registrar

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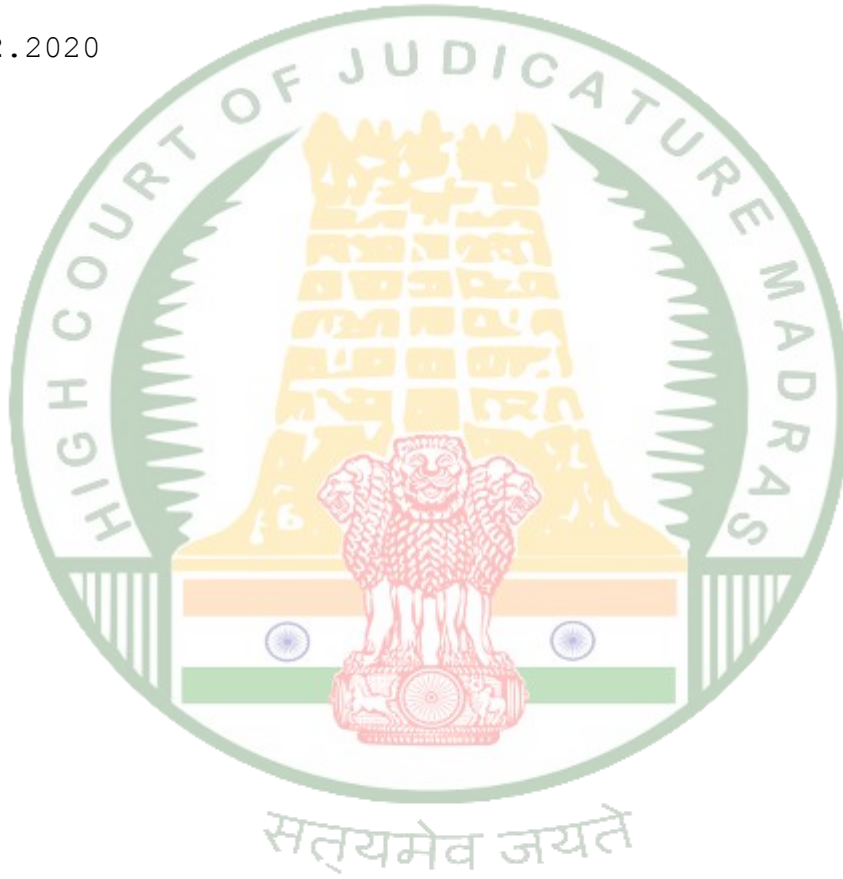
The Tahsildar,
Madurantakam,
Kancheepuram District.

+1cc to Mr.G.Mahesh Kumar, Advocate, SR.No.2355.

+1cc to Government Pleader, SR.No.2242.

W.P.No.28205 of 2012

CP (CO)
CSR: 07.02.2020



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