



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.01.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.9540 of 2018

Banda Venkata Ramanadha Krishna
@ B.V.R.Krishna

.. Petitioner

..Vs..

1. The District Collector,
Chennai City,
Rajaji Salai,
Chennai - 600 001.
2. The Tahsildar,
Aminjikarai Taluk Office,
Chennai - 600 107.

..Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the Petitioner dated 26.03.2018.

For Petitioner : Mr.M.Shreedhar
For Respondents : Mr.R.Govindasamy
Additional Government Pleader

O R D E R

This writ petition has been filed to consider the representation of the petitioner, dated 26.03.2018. By the representation, the petitioner herein had protested inclusion of the name of his mother in law Smt.Sekhari as a legal heir of his wife Smt.Vijayanagalakshmi who died on 26.05.2013.

2. The petitioner claims that he and his minor daughter B.Tanushree are the only legal heirs of his deceased wife, Vijayanagalakshmi. However, in the legal heirship certificate issued by the 2nd respondent, the name of his mother in law namely Sekhari has also been included on the ground that she is a mother of the deceased and is also Class I legal heir.



3. In the counter, this stand was tried to be justified by stating that for the deceased male, the daughter, the widow and mother are the legal heirs. That is correct, when a Hindu male dies. However, when a Hindu female dies, the provision which is attracted is Section 15 of the Hindu Succession Act. According to Section 15 of the Hindu Succession Act, when a Hindu female dies, the legal heirs are her daughters (including children of any predeceased son or daughter) and the husband. If there are nobody in that category, only then will be the heirs of the husband be considered. If there are no heirs of the husband, then the mother and the father of the deceased female can be considered.

4. In the present case, Vijayanagalakshmi died leaving behind her daughter and husband. Consequently, they alone can be granted as legal heirship certificate.

5. In view of all these propositions of law, the legal heirship certificate issued is hereby cancelled and the 2nd responded is directed to issue a fresh legal heirship certificate, showing the petitioner herein and his daughter as the legal heirs of the deceased Vijayanagalakshmi. A fresh legal heirship Certificate must be given on or before 15.02.2020.

6. With the above observations, this writ petition is allowed. No costs.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
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Rajaji Salai,
Chennai - 600 001.
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AD(CO)
SP(10/01/2020)