

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.11221 of 2020
& W.M.P.No.13683 of 2020

D.Girija

... Petitioner

Vs

The Thasildhar,
Avadi Thasildhar Office,
Thirumalai Rajapuram,
Avadi, Chennai- 600 071.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the respondent rejecting the application No.Tn.720200527803 dated 27.05.2020 of the petitioner to issue legal heir certificate and quash the same and direct the respondent to issue legal heir certificate of late Mr.D.Nandhivarman to the petitioner.

For Petitioner : Mr.D.Arul Kamaraj

For Respondent : Mr.V.Shanmugasundar
Special Government Pleader

ORDER

This writ petition is heard through Videoconferencing, on account of the COVID-19 pandemic situation.

2. With the consent of learned counsel on either side, this writ petition taken up for final hearing at the admission stage itself.

3. The writ petition has been filed by the petitioner challenging the order passed by the respondent rejecting her online application No.Tn.720200527803 dated 27.05.2020 for issuance of legal heir certificate for the death of her husband Nandhivarman and also seeking a direction to the respondent to issue legal heir certificate.

4. According to the petitioner, she lives outside India on account of her employment. Her husband Nandhivarman died on 15.06.2018. There are two children born out of the said wedlock and the father-in-law of the petitioner also predeceased her husband.

5. In the affidavit, she has stated that the particulars of her mother-in-law, who will be the legal heir of the deceased, are not known to her. As the mother is also a heir, the application has been rejected for want of particulars about the living details of the mother of the deceased.

6. The learned counsel appearing for the petitioner while arguing submitted that the mother-in-law of the petitioner is residing with another son of hers in Katpadi. Therefore, when the petitioner has got knowledge about her whereabouts, it is her duty to produce the Life Certificate and the other documents, namely, Aadhar Card, Voter ID, etc., for the purpose of including her as the legal heir.

7. It is stated by the learned Special Government Pleader that the Tahsildar, who has to scrutinize application and issue the legal heir certificate, cannot go out of his jurisdiction to verify the living details of the mother-in-law of the petitioner.

8. Admittedly, the only reason for the rejection of the application seeking legal heirship certification is the particulars of the mother-in-law have not been included in the legal heirship application.

9. The learned counsel for the petitioner also agrees that he would produce the appropriate documents required for the purpose of issuing legal heirship certificate from her mother-in-law and apply again to the authorities concerned.

10. The respondent is also directed to consider the fresh application to be filed by the petitioner and subject to satisfaction, may issue the legal heirship certificate, after following the usual procedure.

11. In view of the above, the impugned rejection order dated Nil is set aside and the writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

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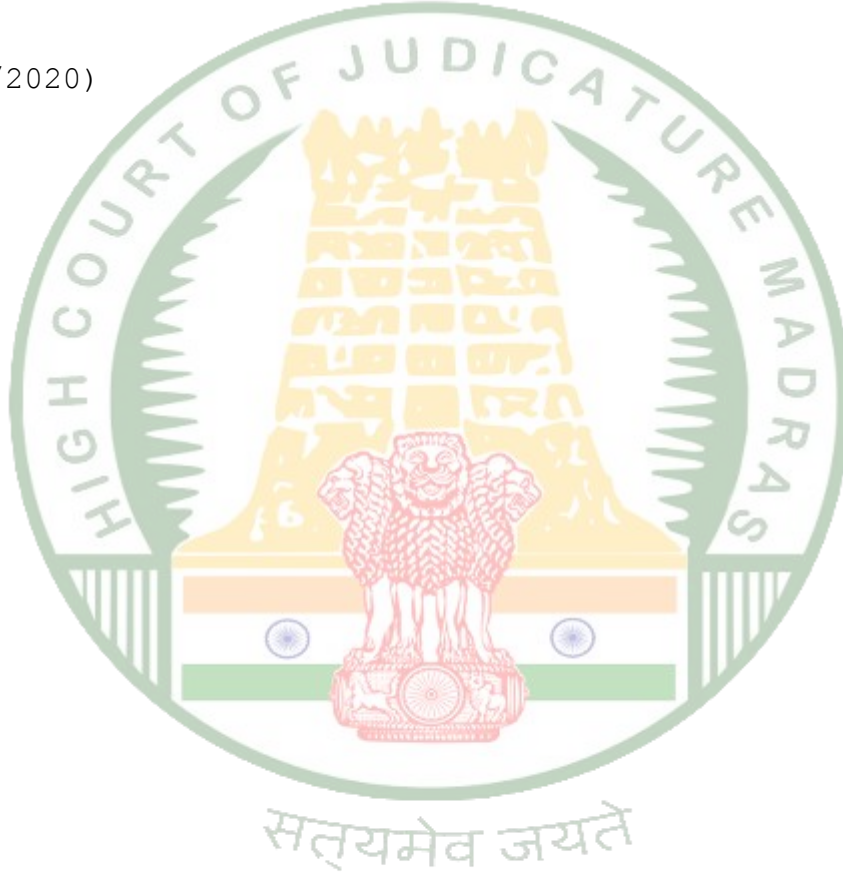
Sub Assistant Registrar

To

The Thasildhar,
Avadi Thasildhar Office,
Thirumalai Rajapuram,
Avadi, Chennai- 600 071.

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PVS (CO)
GMY (21/09/2020)



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