

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.13317 of 2020

S.Krishnan
S/o.Late Subramaniya Iyer
Old No.4, New No.9
New Colony 2nd Street
Adambakkam, Chennai-600 088. ...Petitioner

Vs.

The Tahsildar
Alandur Taluk Office
Dairy Farm Road
St.Thomas Mount
Chennai-600 016. ...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent made in the impugned letter Na.Ka.No.559/A2/2020 dated 07.07.2020 and quash the same in letter Na.Ka.No.559/A2/2020 dated 07.07.2020 issued by the respondent and consequently, direct the respondent to issue the legal heir certificate of the petitioner's father Late Subramaniya Iyer within the time frame.

For Petitioner : Mr.P.Gunaraj

For Respondent : Mr.D.Suriyanarayanan
Additional Government Pleader

O R D E R

This matter is taken up for hearing through Video Conferencing mode.

2. Mr.D.Suriyanarayanan, learned Additional Government Pleader takes notice for the respondent. By consent of both parties, the main writ petition is taken up for final disposal at the admission stage itself.

3. This writ petition is filed challenging the order of the respondent dated 07.07.2020 rejecting the petitioner's application dated 08.06.2019 seeking for issuance of Legal heirship certificate on the death of his father namely, S.Krishnan.

4. The respondent has chosen to reject the application only on the reason that the petitioner's father died as early as on 20.02.1978 and therefore, the petitioner has to approach

the concerned Court and get the legal heirship certificate.

5. The learned counsel for the petitioner submitted that the issue involved in this writ petition is covered by the decision of this Court made in W.P.(MD) No.16233 of 2014 dated 25.09.2014, wherein this Court found that the Tahsildar cannot reject the application on the ground of delay, more particularly, in view of the Circular issued by the Special Commissioner and Secretary dated 28.11.1991.

6. Considering the above stated facts and circumstances and going by the order passed in W.P.(MD) No.16233 of 2014 dated 25.09.2014, I am of the view that the respondent is not justified in rejecting the application of the petitioner only on the ground that the same was filed belatedly. Therefore, this Writ Petition is allowed and the impugned order is set aside and consequently, the matter is remitted back to the respondent for considering the request of the petitioner and pass orders on the same on merits and in accordance with law, after conducting due enquiry and also hearing all necessary parties concerned. Such exercise shall be done by the respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

vsi/mk

To

The Tahsildar
Alandur Taluk Office
Dairy Farm Road
St.Thomas Mount
Chennai-600 016.

+1cc to Government Pleader SR.No.31683

W.P.No.13317 of 2020

NRJK(CO)
GMY(22/10/2020)