

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.14546 of 2020
(Heard through VC)

K.R.Ravi

.. Petitioner

Vs.

The Thasildar,
Sirkali Taluk,
Mayiladuthurai District.

.. Respondent

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the entire records pertaining to the impugned order passed by the respondent in OO.Mu.3346/2020/AA3 dated 14.09.2020 and to quash the impugned order of the respondent and consequently direct the respondent to issue legal heir certificate to the petitioner as per the Hindu Succession Act within stipulated time.

For Petitioner : Ms.S.Suseela Devi

For Respondent : Mr.K.S.Suresh
Government Advocate

O R D E R

The writ petition is filed challenging the order of the Tahsildar, Sirkali, who is the respondent herein, rejecting the application of the petitioner to issue legal heirship certificate.

2. For dealing with the case, certain factual details are necessary. One K.S.Ranganathan and C.Subbulakshmi had one daughter and two sons, namely, K.R.Suthanthira, K.R.Ramasubramanian and K.R.Ravi, who is the petitioner herein. The said K.S.Ranganathan died in the year 02.06.1992. Subbulakshmi died in the year 2010. One of the sons, namely, K.R.Ramasubramanian, died intestate on 15.10.2008, leaving behind his wife Chitra Ramasubramanian and son Mukund Ramasubramanian as his legal heirs. Now the daughter K.R.Suthanthira, who is unmarried, died intestate on 28.06.2020. The said Suthanthira was a Doctor by profession. The petitioner, who is the brother of the deceased

Suthanthira, has applied for the legal heirship certificate on 19.08.2020.

3. When a Hindu woman dies intestate, Section 15 of the Hindu Succession Act would come into play, which provides for the general rules of succession in the case of female Hindus. The scheme of Section 15 shows that the property of Hindu female dying intestate has to devolve on her own heirs. The list of such heirs are enumerated under Section 15 Subsection (1) from Clauses (a) to (e).

4. Circular No.9 of 2019 dated 24.09.2019 is issued by the Additional Chief Secretary/Commissioner of Revenue Administration, setting out certain guidelines for the revenue officials to follow while considering the applications. While issuing legal heirship certificate, the said guidelines are silent about Section 15, which deals with succession in the case of death of a female Hindu. In the case on hand also, the similar problem has arisen, where the deceased is a female Hindu and the authorities ought to have followed Section 15 and issued the legal heirship certificate as per the same. However, it has been rejected on the ground that she did not have a direct heir, therefore, it was refused to be issued.

5. As the impugned order suffers from a fundamental error, the same is set aside and the respondent-Tahsildar, Sirkali, is directed to consider the facts of the case on its merits in the light of Section 15 of the Hindu Succession Act, conduct enquiry and issue appropriate legal heirship certificate to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

rsi

To

The Thasildar,
Sirkali Taluk,
Mayiladuthurai District.

W.P.No.14546 of 2020

SSD(CO)
CB(09/12/2020)