

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.17411 of 2020

P. Venkatakrishnan

... Petitioner

Vs.

The Tahsildar,
Perambur,
Perambur High Road,
Chennai - 600 011.

... Respondent

PRAYER: The Writ Petition has been filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondent to conduct proper enquiry on the application of the petitioner dated 12.08.2020 and consequently, issue a legal heirship certificate to the petitioner as per the Hindu Succession Act.

For Petitioner : Mr.P.R.Krishnaraj

For Respondent : Mr.V.Shanmugasundar
Special Government Pleader

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus to direct the respondent to conduct proper enquiry on the application of the petitioner dated 12.08.2020 and consequently, issue a legal heirship certificate to the petitioner as per the Hindu Succession Act.

2. The learned counsel for the petitioner submits that the father of the petitioner viz., P.V.Sripathi died on 25.10.1998 leaving behind his mother, younger brother and the petitioner as his legal heirs. The mother of the petitioner also died on 23.05.2020. Thereafter, the younger brother of the petitioner also died on 27.05.2020 and at the time of his death, he unmarried. Apart from the petitioner, there is no other legal heir to the deceased P.V.Sripathi.

3. The learned counsel for the petitioner further

submits that the petitioner is entitled to get a legal heirship certificate of the deceased. The e-service portal for applying legal heirship certificate with the respondent is not having a provision for a Class II heir to apply online. Hence, the petitioner, as a Class II heir, is entitled to apply for the issuance of legal heirship certificate with the respondent manually and he submitted an application on 12.08.2020 before the respondent. The respondent has received the said application on 14.08.2020, but, the same has been refused to conduct any further enquiry and issue a legal heirship certificate. The respondent has orally informed the petitioner to approach the Civil Court for proper orders. Challenging the same, the present Writ Petition has been filed.

4. Heard the learned counsel appearing for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader for the respondent.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the application, directs the respondent to consider the petitioner's application dated 12.08.2020 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of eight (8) weeks from the date of receipt of a copy of this order.

With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

asi
To

The Tahsildar,
Perambur,
Perambur High Road,
Chennai - 600 011.

WEB COPY

+lcc to Mr. P.R. Krishnaraj, Advocate SR No.40479

W.P.No.17411 of 2020

PVS (CO)
NS (29/12/2020)