

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.19032 of 2020

M. Loganathan

...Petitioner

.Vs.

1. The Revenue Divisional Officer,
(Chennai Central Division),
No.5-73 SH1 12 Gandhi Nagar,
Annanagar West Extn., Chennai - 600 101.

2. The Tahsildhar,
Aminjikarai Taluk Office,
Pulla Avenue, Chennai - 600 030.

...Respondents

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 second respondent to consider the petitioner's representation dated 23.10.2020 to issue a second class legal heir certificate of the deceased Kasthuri.

For Petitioner : Mr.T.Nixon

For Respondents: Mr.P.V.Selvakumar

Additional Government Pleader

O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Mandamus to direct the second respondent to consider the petitioner's representation dated 23.10.2020 to issue a second class legal heir certificate of the deceased Kasthuri.

2. The learned counsel for the petitioner submits that the petitioner's second elder sister namely, G.Kasthuri married one Ganapathy and there was no issues for them. The said Kasthuri died on 06.08.2019 and her husband also died on 25.11.2015 leaving behind the petitioner and three others as second class legal heirs.

3. The learned counsel for the petitioner further submits that the deceased Kasthuri and Ganapathy had left

certain properties. Therefore, the petitioner applied for a second class legal heirship certificate of the said Kasthuri with all relevant documents, but, the respondents have refused to issue the same without conducting any proper enquiry. Since the second class legal heirship certificate was not issued by the second respondent, the petitioner is unable to enjoy the fruits of the properties. The petitioner has also given a representation dated 23.10.2020 to the respondents, but, so far, the authorities have not taken any steps to issue the said certificate.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader.

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 representation, directs the respondents to consider the petitioner's representation dated 23.10.2020 and pass an order, 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(L.A)

//True Copy//

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
(Chennai Central Division),
No.5-73 SH1 12 Gandhi Nagar,
Annanagar West Extn., Chennai - 600 101.
2. The Tahsildhar,
Aminjikarai Taluk Office,
Pulla Avenue, Chennai - 600 030.

+lcc to Mr.T.Nixon, Advocate, S.R.No.41897

W.P.No.19032 of 2020

rr ii (19/01/2021)