

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2020

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.22474 of 2019

G.Kumar

...Petitioner

Vs

- 1.The Secretary to government,
Revenue Department,
Secretariat, Chennai-600 009
- 2.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
- 3.The Revenue Divisional Officer (R.D.O),
RDO Office, Cheyyar, Tiruvannamalai District.
- 4.The Thasildar,
Taluk Office,
Vandavasi, Tiruvannamalai District

.... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to consider Petitioner's appeal representation dated 18.06.2019 with in stipulated period to issue the legal heir ship certificate of Petitioner's deceased sister namely TMT.Andal.

For Petitioner : Mr.T.V.G.Kartheeban

For Respondents : Mr.N.Inbanathan
Addl. Govt. Pleader

WEB COPY
O R D E R

The Writ Petition has been filed in the nature of Mandamus seeking to consider the representation of the petitioner dated 18.06.2019 which had been sent for issuing legal heir ship certificate with respect to the petitioner's sister Tmt.Andal. In the affidavit filed in support of the Writ Petition, it is stated that the petitioner's sister Tmt.Andal W/o Thanikasalam

died on 07.04.2017 and her husband Thanikasalam predeceased on 27.11.2004, her son Amutharaj also unfortunately died on 14.08.2011 and father also died on 20.01.2013. The petitioner further claims that he is the only available eligible legal heir for his sister Tmt.Andal. Unfortunately, he is classified as Class II legal heir.

2. Similar issue has been decided by this Court in W.P.No.18215 f 2016 (Subburaj Vs. The Tahsildar, Madurai South Taluk, Madurai) by order dated 17.10.2016. Wherein, the learned Single Judge (V.Bharathidasan.J,) had directed that in the absence of any other legal heir, there can be no impediment to issue legal heir ship certificate as per guidelines of the Government. Learned counsel for the petitioner also relied on another judgment in W.P.No.15901 of 2018, N.Raja and three others Vs. The Thasildar, Madurai South, Collector Office, Madurai, by order dated 03.08.2018 wherein learned Single Judge of this Court (M.S.Ramesh.J,) had similarly directed issuance of legal heir ship certificate after conducting enquiry.

4.In view of this consistent stand taken above by this Court, direction is issued to the 4th respondent namely Thasildar, Taluk Office, Vandavasi, Tiruvannamalai District, to conduct an enquiry with respect to the aspects stated in the representation of the petitioner dated 18.06.2019 and thereafter proceed in accordance with law, keeping in mind the judgements stated by this Court and thereafter, issue legal heir ship certificate, if the petitioner is eligible for the same. The petitioner may also give a fresh copy of the representation, enclosing copies of the two judgements referred above, to the Tahsildar, Taluk office, Vandavasi, Tiruvannamalai District on or before 31.01.2020, who shall conduct enquiry and pass an appropriate order on or before 28.02.2020.

4.With the above direction, this Writ Petition stands disposed of. No costs.

सत्यमेव जयते

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Secretary to government,
Revenue Department,
Secretariat, Chennai-600 009

2.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

3.The Revenue Divisional Officer (R.D.O),
RDO Office, Cheyyar, Tiruvannamalai District.

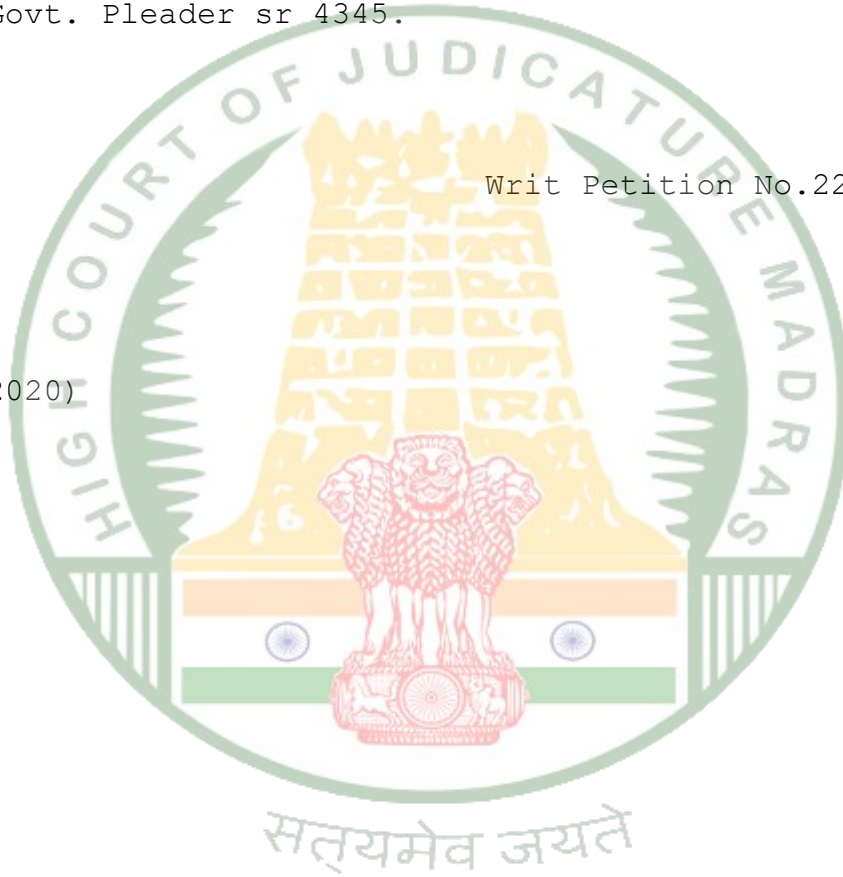
4.The Thasildar,
Taluk Office,
Vandavasi, Tiruvannamalai District

+1 Cc to Mr.T.V.G.Kartheeban Advocate sr 3953.

+1 CC to Govt. Pleader sr 4345.

Writ Petition No.22474 of 2019

GP (CO)
SP (04/02/2020)



WEB COPY