

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.33301 of 2019

Arcot Chandramowli Sudarsan

.. Petitioner

..Vs..

1. The Collector,
Kancheepuram District,
Kancheepuram.
2. The District Revenue Officer,
Kancheepuram District,
Taluk Office,
SH-116, Kancheepuram Vandavasi Road,
Kancheepuram - 631 702.
3. The Tahsildar,
Kancheepuram District,
Taluk Office,
SH-116, Kancheepuram Vandavasi Road,
Kancheepuram - 631 702.

..Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to pass appropriate orders on the petitioner's application, dated 09.02.2019 for issuance of legal heirship certificate of the petitioner's late father Captain Dr.Arcot Chandramowli within a period stipulated by this Court.

For Petitioner : Mr.S.M.Muralidharan

For Respondents : Mr.N.Inbanathan,

Additional Government Pleader

ORDER

The writ petition has been filed seeking Legal Heirship Certificate of the father of the petitioner namely Captain Dr.Arcot Chandramowli. The competent officer to issue such Legal Heirship Certificate is the Tahsildar, Kancheepuram Taluk, Kancheepuram District.

2. The petitioner claimed that his father Dr.Arcot Chandramowli died intestate on 15.09.1968. He was survived by his wife/mother of the petitioner by name Jayalakshmi and his two sons and one daughter namely Mr.A.C.Rajasekaran,

Mrs.Vasantha and the petitioner/another son/Arcot Chandramowli Sudarsan. The petitioner applied for Legal Heirship Certificate on 09.02.2019 before the 2nd respondent namely the District Revenue Officer, Kancheepuram District. This application was forwarded to the 3rd respondent namely the Tahsildar, Kancheepuram Taluk, Kancheepuram. Since the petitioner was not put on notice or any other further proceedings, the petitioner has filed the present writ petition seeking mandamus.

3. During the course of hearing, Mrs.Shanthakumari, the Tahsildar, Kancheepuram Taluk Office, Kancheepuram appeared in person.

4. It was informed that notices were issued to the petitioner and that the petitioner did not appear and thereafter the application of the petitioner had also been rejected and the rejection order has been sent by post.

5. In the rejoinder affidavit filed today, the petitioner has denied all the statements regarding the notice of appearance. He also denied the receipt of the order through post.

6. Considering the facts and circumstances of the case, even if the application of the petitioner has been rejected, the rejection order is set aside. The petitioner is directed to give a fresh application seeking Legal Heirship Certificate with all requisite details in person to the 3rd respondent namely the Tahsildar, Kancheepuram Taluk, Kancheepuram on or before 06.03.2020. On receipt of such application, the 3rd respondent may process the same, seek clarification if necessary, issue notice for appearance and thereafter pass orders on or before 30.04.2020.

7. The petitioner may attend as per the notice issued by the Tahsildar and should not invite allegation that the notice was sent to him and he did not appear. The petitioner is directed to appear whenever notice is issued and also in the first instance for giving application seeking Legal Heirship Certificate.

8. With the above observation, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(C.S.III)

/True copy/

Sub Assistant Registrar

To

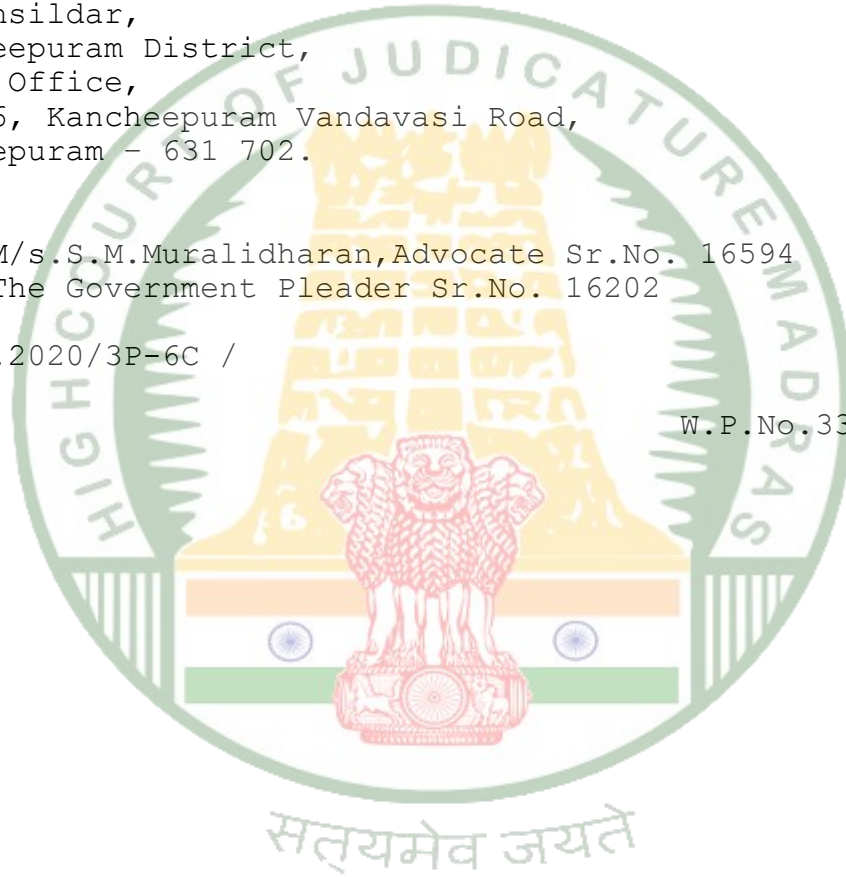
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+1 cc to M/s.S.M.Muralidharan,Advocate Sr.No. 16594

+1 cc to The Government Pleader Sr.No. 16202

AKM/12.03.2020/3P-6C /

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