

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.3588 of 2021
and W.M.P.No.4089 of 2021

1. D.Selvarani
2. D.Sugumaran
3. D.Murugan
4. A.Vasanthakumari
5. D.Sivasankar Petitioners

Vs

1. The District Collector,
Kancheepuram.
2. The Tahsildhar,
Sholinganallure Taluk,
Kancheepuram District Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus, to call for the records of the 2nd respondent herein in rejecting the application of these petitioners dated 07.10.2020 seeking issuance of legal heir certificate in Application No.TN-7202010072702 quash the same and direct the 2nd respondent herein to issue legal heir certificate to the deceased late Vijayalakshmi.

For petitioner ... Mr.S.V.Karthikeyan
For respondents ... Mr.V.Prabhu,
Govt.Advocate

ORDER

Heard Mr.S.V.Karthikeyan, learned counsel for the petitioner and Mr.V.Prabhu, learned Government Advocate accepts notice on behalf of the respondents.

2. By consent of both the parties, this Writ Petition is taken up for final disposal.

3. This Writ Petition has been filed challenging the impugned order rejecting the petitioner's application seeking for issuance of legal heirship certificate for his deceased sister Vijayalakshmi, who died on 05.08.2019. According to the petitioners, they are the brothers and sisters of the deceased Vijayalakshmi, who died on 05.08.2019 leaving behind no issues. According to the petitioner, her husband also pre-deceased her on 06.05.2006. According to the petitioners, they are the only legal heirs of the deceased Vijayalakshmi. They applied for legal heirship certificate on 07.10.2020 with the second respondent, which came to be rejected under the impugned order on the ground that the legal heirship certificate cannot be issued to Class-II legal heirs. Aggrieved by the same, this Writ Petition has been filed.

4. It is settled law that the second respondent is empowered to issue the legal heirship certificate for the Class-II legal heirs also. By total non-application of mind to the settled law, the impugned order has been passed. Hence, the impugned order will have to be necessarily quashed and the matter remanded back to the second respondent for fresh consideration on merits and in accordance with law, after hearing all the necessary parties including the petitioners as well as any other legal heirs of the deceased if any.

5. For the foregoing reasons, the impugned passed by the second respondent is hereby quashed and the matter is remanded back to the second respondent for fresh consideration and the second respondent shall pass final orders on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order, after hearing all the necessary parties including the petitioners as well as any other legal heirs of the deceased if any.

6. With the aforesaid direction, this writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

srn

To

1. The District Collector,
Kancheepuram.
2. The Tahsildhar,
Sholinganallure Taluk,
Kancheepuram District.

+lcc to Mr.S.V.Karthikeyan, Advocate, S.R.No.9586.
+lcc to the Government Pleader, S.R.No.9896.

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AAB(CO)
CSR 12.03.2021



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