

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.2446 of 2021 &
W.M.P.Nos.2760 & 2762 of 2021

1.Kartic Raman
2.Santhosi Raman
Rep.by Power of Attorney Holder
S.Pattabi Raman

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Petitioners

Vs

1.The District Collector,
Chennai District,
Chennai.

2.The Revenue Divisional Officer,
Guindy,
Chennai District - 32.

3.The Tahsildar,
Guindy Taluk,
Chennai - 32.

...

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus calling for the records relating to the impugned proceedings No.Nil dated 29.12.2020 on the file of the 3rd respondent and quash the same and consequently, direct the respondents to issue legal heir certificate for Late Parvathi Natarajan in favour of the petitioner herein.

For petitioner ... Mr.S.Saravanan

For respondents ... Mr.V.Shanmuga Sundar,
Special Government Pleader

ORDER

This writ petition has been filed challenging the order dated 29.12.2020 passed by the third respondent rejecting the petitioner's application seeking for issuance of legal heirship certificate for their grandmother Parvathi Natarajan who died on 17.05.2019.

2. Mr.V.Shanmuga sundar, learned Special Government Pleader accepts notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final disposal at the time of admission itself.

3. According to the petitioners, their mother Chandra Raman who is daughter of Parvathi Natarajan predeceased her on 03.01.2011. According to them, Parvathi Natarajan died on 17.05.2019 leaving behind the petitioners alone as her legal heirs as per Section 16 of the Hindu Succession Act. However, according to the petitioners, arbitrarily and by total non application of mind to the statutory provisions, the third respondent has rejected the petitioners' application on the ground that they are class-II legal heirs. In such circumstances, this writ petition has been filed.

4. Heard Mr.Saravanan, learned counsel for the petitioners and Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondents.

5. Admittedly, the impugned order has been passed only on the ground that the petitioners are Class-II legal heirs and are not entitled for legal heirship certificate for their deceased grandmother Parvathi Natarajan.

6. It is settled law that there is no bar for the third respondent to issue legal heirship certificate for Class-II legal heirs also. Therefore, this Court is of the considered view that by total non application of mind to the settled provisions of law, the impugned order has been passed. Hence, the impugned order has to be necessarily quashed and the matter remanded back to the third respondent for fresh consideration on merits and in accordance with law within a time frame to be fixed by this Court.

7. In the result, the impugned order dated 29.12.2020 is hereby quashed and the matter remanded back to the third respondent for fresh consideration on merits and in accordance with law after giving notice to all the necessary parties including the petitioners within a period of twelve weeks from the date of receipt of a copy of this Order.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Chennai District,
Chennai.

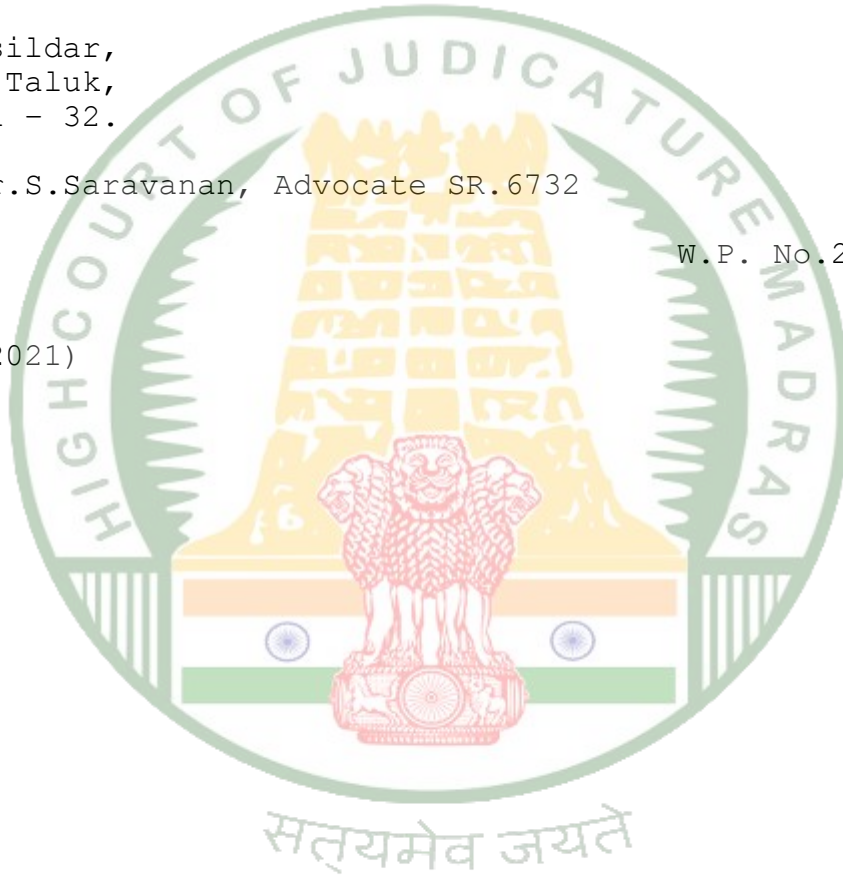
2.The Revenue Divisional Officer,
Guindy,
Chennai District - 32.

3.The Tahsildar,
Guindy Taluk,
Chennai - 32.

+1cc to Mr.S.Saravanan, Advocate SR.6732

W.P. No.2446 of 2021

SV(CO)
CB(01/03/2021)



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