

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.03.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.3337 of 2020

N.RANGARAJ

S/o. Late M.Narasimma Chettiyar No. 14/57  
Venkattampettai Road Kachirayapalayam  
Chinnasalem Taluk Kallakurichi District.

... Petitioner

Vs.

The Thasildhar  
Chinnasalem Taluk,  
Kallakurichi District.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for the issuance of Certiorarified Mandamus calling for records in impugned proceedings in Na.Ka. A4/1086/2019 dated 23.12.2019 as illegal consequently directing the respondent to issue Legal heir Certificate to the petitioner in the name of Ammakutti Ammal W/o. Narasimma Chettiyar residing at No. 14/57 Venkattampettai Road Kachirayapalayam Chinnasalem Taluk Kallakurichi District as per representation dated 17.10.2019 and 29.11.2019 in the light order passed in W.P.(MD) No. 15901 of 2018.

For petitioner ... Mr.R.Kumaravel

For Respondent ... Mr.K.Parameshwaran  
Government Advocate

ORDER

This Writ Petition has been filed challenging the impugned order dated 23.12.2019 passed by the respondent rejecting the petitioner's application seeking for issuance of legal heirship certificate for his step-mother Ammakutti Ammal who died on 09.05.1968 on the ground that the petitioner is not a direct legal heir for the deceased Ammakutti Ammal.

2. Heard Mr.R.Kumaravel, learned counsel for the petitioner and Mr.K.Parameshwaran, learned Government Advocate for the respondent.

3. It is settled law that there is no prohibition for granting legal heir certificate for class-II legal heirs also. In the case on hand, the petitioner claims that he is the step-son of the deceased Ammakutti Ammal who died on 09.05.1968. According to the petitioner, his step mother Ammakutti Ammal

died without issues. The same is also recorded in the impugned order. However, by total non application of mind to the settled position of law which empowers the respondent to issue legal heirship certificate to class-II legal heirs also, the impugned order has been passed rejecting the petitioner's application on the ground that he is not the direct legal heir for the deceased Ammakutti Ammal. Hence, the impugned order dated 23.12.2019 passed by the respondent has to be necessarily quashed and the matter remanded back to the respondent for fresh consideration on merits and in accordance with law after hearing all the necessary parties including the petitioner.

4. For the foregoing reasons, the impugned order dated 23.12.2019 is hereby quashed and the matter is remanded back to the respondent for fresh consideration and the respondent shall pass final orders on the petitioner's application seeking for issuance of legal heirship certificate for his deceased step mother Ammakutti Ammal who died on 09.05.1968 on merits and in accordance with law after affording a fair hearing to the petitioner and other necessary parties if any within a period of twelve weeks from the date of receipt of a copy of this Order.

5. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-  
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Thasildhar  
Chinnasalem Taluk,  
Kallakurichi District.

+1cc to Mr.R.Kumaravel, Advocate Sr.No.15734  
+1cc to The Government Pleader Sr.No.16093

AKM/15.03.21 /2P-4C/

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