



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Writ Petition No.7410 of 2021

J.Jayaraj

...Petitioner

Vs

1. The Commissioner
Revenue Administration and Disaster
Management & Mitigation Department
Chepauk, Chennai-600 005.
2. The District Collector
Office of the District Collectorate
M.Singaravelar Maligai
Rajaji Salai, Chennai-600 001.
3. The Tahsildar
Ayanavaram Taluk
@18/31, Palliarasan Street
Aspiran Garden Colony
Kumaran Nagar, Kilpauk, Chennai-600 010.
4. The Headquarters Deputy Tahsildar
Ayanavaram Taluk
@18/31, Palliarasan Street
Aspiran Garden Colony
Kumaran Nagar, Kilpauk
Chennai-600 010.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 4th respondent to issue the legal heir certificate by processing the Application No.TN-7202010232392, by considering the petitioner as adopted son of the deceased Mr.Jayaraman, died on 05.07.1993, on the basis of the other documents, i.e., school record sheet and family ration card.

For Petitioner : Mr.R.Gopinath

For Respondents : Mr.G.Krishnaraja,
Govt.Advocate



ORDER

According to the petitioner, he was adopted on 19.08.1980 by one D.Jayaraman and J.Thrisarani (changed her name as Raniammal by Gazette Publication Issue No.12 dated 27.03.2013), who died intestate on 05.07.1983 and 18.03.2015 respectively and he is the only legal heir to inherit the property owned by them. On 23.10.2020, he applied for legal heir certificate through on-line, but he did not receive any reply. Subsequently, through RTI, the petitioner came to know that his application bearing No.TN-7202010232392 has been rejected, as he did not submit any proof to the effect that he was the adopted son of the deceased Jayaraman and birth certificate as well. Feeling aggrieved, he has come up with this writ petition seeking a direction to the fourth respondent to issue the legal heir certificate by processing his application, based on the documents, such as, school records, family ration card, etc.

2.The learned counsel for the petitioner submitted that though the petitioner enclosed the necessary documents along with his application seeking legal heir certificate, the fourth respondent, without calling for the required documents, has rejected the said application stating that no proof was filed to substantiate the claim of the petitioner, which is arbitrary, illegal and in violation of the principles of natural justice. However, the learned counsel submitted that it would suffice, if the petitioner is permitted to resubmit the application along with the required documents and on such resubmission, the same may be directed to be considered by the respondent authorities within a time frame to be stipulated by this court.

3.The learned Government Advocate taking notice for the respondents has no serious objection for granting such relief to the petitioner.

4.In view of the above, this court permits the petitioner to resubmit the application seeking legal heir certificate enclosing the required documents to the respondent authorities within a period of two weeks from the date of receipt of a copy of this order. On such resubmission being made, the respondent authorities shall consider the same and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and any other interested parties, within a period of four weeks thereafter.



5. Accordingly, this writ petition stands disposed of. No costs.

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Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

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To

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+1 CC to The Government Pleader, Sr.No. 36929.

W.P.No.7410 of 2021

GPL (CO)
LS (07/09/2021)