

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.02.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.4297 of 2021

P. Marayee

... Petitioner

Vs

The Tahsildar,
Tiruchengode Taluk,
Namakkal District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in impugned order passed by the respondent in Ref.No.OO.Mu.3553/2020 A2, dated 03.12.2020 and quash the same and consequently direct the respondent to issue legalheirship certificate to the petitioner based on the petitioner's representation dated 15.10.2020.

For petitioner ... Mr.S. Viswanathan
For respondent ... Mr.V.Shanmuga Sundar
Special Government Pleader

ORDER

Mr.V.Shanmuga Sundar, learned Special Government Pleader accepts notice on behalf of the respondent.

2. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

3. This writ petition has been filed challenging the order dated 03.12.2020 passed by the respondent rejecting the petitioner's application seeking for issuance of Legal Heirship Certificate for her brother Palani, who died as a bachelor on 10.04.1994 on the ground that the petitioner is not a direct legal heir.

4. The petitioner claims that she along with her two sisters Pavayee and Aarayee are the Legal Heirs of her deceased brother Palani, who died on 10.04.1994 as a bachelor. The only reason given by the respondent for rejection of the petitioner's application seeking for Legal Heirship certificate for her deceased brother is that the petitioner is not a direct Legal Heir.

5. Heard, Mr.MS. Viswanathan, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader appearing for the respondent.

6. The law is now well settled that the respondent is empowered 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 position of law, which empowers the respondent to issue Legal Heirship certificate for Class - II Legal Heirs also, the impugned order has been passed. Hence, the impugned order will have 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.

7. For the foregoing reasons, the impugned order dated 03.12.2020 passed by the respondent is hereby quashed and the matter is remanded back to the respondent for fresh consideration and the respondent shall pass final orders on merits and in accordance with law after hearing all necessary parties including the petitioner as well as the other legal heirs of the deceased Palani, who died as bachelor on 10.04.1994, 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.

Sd/-

Assistant Registrar (CS.III)

/True Copy/

Sub Assistant Registrar

To

The Tahsildar,
Tiruchengode Taluk,
Namakkal District.

+1cc to M/s.Dass & Viswa Associates, SR.NO..11943

AKM/16.03.21/ 2P-3C/

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