

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.4720 of 2021

Pushpa Naraynen

... Petitioner

Vs

The Tahsildar,
Chengalpattu Taluk,
Chengalpattu District.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondent to issue Class II Legal Heirship to the petitioner's deceased brother Prakash Narayan based on the petitioner's application dated 21.12.2020 in the light of the Order dated 25.09.2014 passed by this Court in W.P. (MD) No.162233 of 2014.

For Petitioner ... Mr.R.Ragavendran

For Respondents ... Mr.V.Shanmuga Sundar,
Spl. Govt. Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to consider the petitioner's application, dated 21.12.2020 seeking for issuance of Legal Heirship certificate for her deceased brother Prakash Narayan, who died on 21.10.2020 which has not been considered till date by the respondent only on the ground that the petitioner is a Class - II Legal Heir.

2. According to the petitioner, her brother Prakash Narayan died on 21.10.2020 as a bachelor, leaving behind the petitioner as well as her Sister Pushpa Naraynen as the only legal heirs.

3. Heard Mr.R.Ragavendran, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondent.

4. It is settled law that there is no prohibition for the respondent to issue Legal Heirship certificate for Class II Legal Heirs also. The relief sought for in this writ petition is an innocuous one. The petitioner has submitted an application on 21.12.2020 with the respondent seeking for issuance of Legal Heirship certificate for her deceased brother Prakash Narayan, who died on 21.10.2020. No prejudice will be caused to the respondent, if the petitioner's application is considered on merits and in accordance with law, after hearing all the necessary parties including the petitioner and other legal heirs of the deceased Prakash Narayan.

5. For the foregoing reasons, this Court directs the respondent to consider the petitioner's application dated 21.12.2020 seeking for issuance of Legal Heirship certificate for her deceased brother Prakash Narayan, who died on 21.10.2020 and pass final orders on merits and in accordance with law after hearing all the necessary parties including the petitioner and other legal heirs of Prakash Narayan, the deceased, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

The Tahsildar,
Chengalpattu Taluk,
Chengalpattu District.

+1cc to M/s.R.Ragavendran, Advocate Sr.19100

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srg 20/04/2021