

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.5257 of 2021

S.Nagarajan

... Petitioner

Vs

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.Tahsildar,
Maduravoyal Circle,
Thiruvallur District,
Chennai - 600 095.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the second respondent to pass orders on the application dated 05.10.2020 (vide TN-7202010051910).

For petitioner ... Mr.S.Sathyannarayanan

For Respondents ... Mr.K.Parameshwaran,
Government Advocate

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the second respondent to pass orders on the petitioner's application dated 05.10.2020 seeking for issuance of legal heirship certificate for his deceased sister S.Bhagyalakshmi who died as a spinster on 10.07.1988.

2. Mr.K.Parameshwaran, learned Government Advocate accepts notice on behalf of the respondents. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

3. The case of the petitioner is that he is the brother of the deceased S.Bhagyalakshmi who died as a spinster on 10.07.1988. According to the petitioner, he is the only

surviving legal heir for the deceased S.Bhagyalakshmi. He has applied for legal heirship certificate with the second respondent on 05.10.2020. According to the petitioner, till date, legal heirship certificate has not been issued because the petitioner is a class-II legal heir. In such circumstances, this writ petition has been filed.

4. Heard Mr.S.Sathyanarayanan, learned counsel for the petitioner and Mr.K.Parameshwaran, learned Government Advocate appearing for the respondent.

5. The petitioner claims that the deceased S.Bhagyalakshmi is his sister. According to the petitioner, the deceased S.Bhagyalakshmi died on 10.07.1988 as a spinster and he is the only surviving legal heir. The petitioner has submitted his application with the second respondent on 05.10.2020 seeking for issuance of legal heirship certificate for his deceased sister S.Bhagyalakshmi.

6. It is settled law that there is no prohibition for the second respondent to issue legal heirship certificate for class-II legal heirs also. However, the petitioner's application dated 05.10.2020 will have to be considered on merits and in accordance with law after hearing all the necessary parties including the petitioner who claims to be the only surviving legal heir of the deceased S.Bhagyalakshmi. No prejudice will be caused to the respondents, if the petitioner's application is considered on merits and in accordance with law after hearing all the necessary parties.

7. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's application dated 05.10.2020 seeking for issuance of legal heirship certificate for his deceased sister S.Bhagyalakshmi who died as a spinster on 10.07.1988 and pass final orders on merits and in accordance with law after hearing all the necessary parties including the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

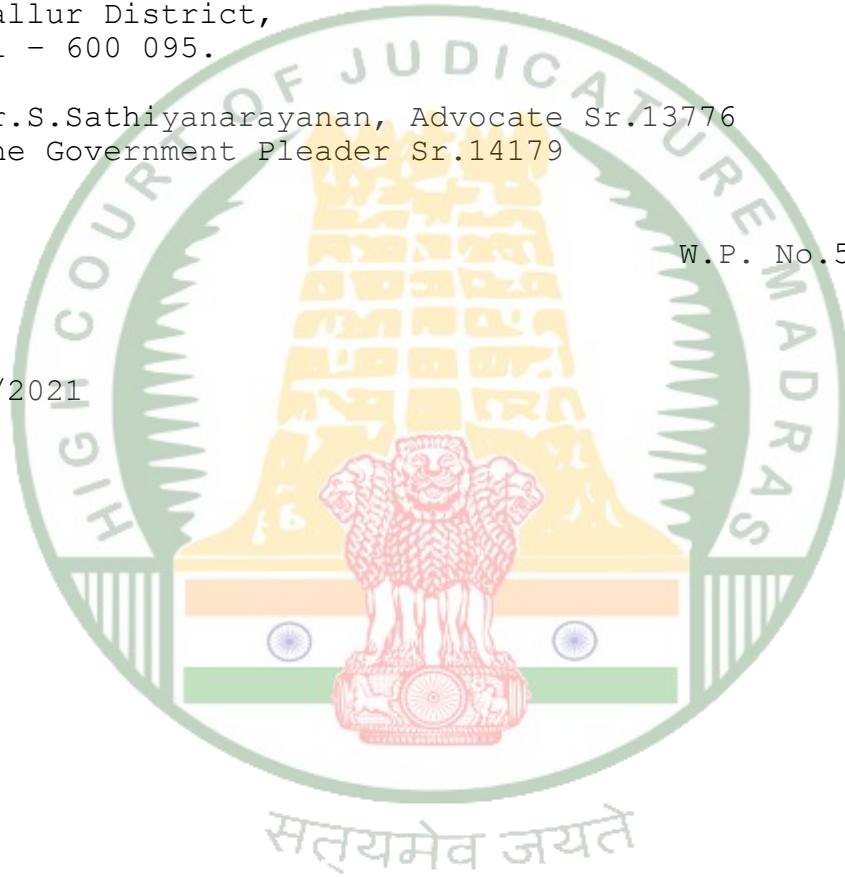
1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.Tahsildar,
Maduravoyal Circle,
Thiruvallur District,
Chennai - 600 095.

+1cc to Mr.S.Sathiyandarayanan, Advocate Sr.13776
+1cc to the Government Pleader Sr.14179

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