



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.NO.10666 OF 2018

K.Kumaran

...Petitioner

Vs.

1. The District Collector,  
Office of the District Collector,  
No.32, Rajaji Salai,  
Singaravelar Maligai,  
Chennai 0 600 001.
2. The Tahsildar,  
Velachery Taluk,  
Chennai - 600 113.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorarified mandamus, to call for records, relating to the order passed by the second respondent, in Na.Ka.No.A2/5115/2017, dated 12.12.2017, and to quash the same and further, to direct the second respondent to issue certified copy or attested copy of the legal heir certificate of late Thiru.S.Parthasarathy, within the stipulated period fixed by this Court.

For Petitioner : Mr.S.Parthasarathy

For Respondents : Mrs.C.Meera Arumugam  
Additional Government Pleader

O R D E R

This Writ Petition has been filed for issuance of a Writ of certiorari to quash the order passed by the second respondent, dated 12.12.2017, and for a mandamus on the second respondent to issue certified copy or attested copy of the legal heir certificate of late Thiru.S.Parthasarathy, within the stipulated period fixed by this Court.

2. The case of the petitioner is that, originally, the legal heir certificate of late S.Parthasarathy, was issued in



favour of his wife, Mrs.Kolammal, who was the only legal heir, as early as on 01.08.1989. However, the same was misplaced by the petitioner, and hence, he made an application, dated 21.10.2017, for issuance of certified copy or attested copy of the legal heir certificate of the said late S.Parthasarathy. Since the said request made by the petitioner was rejected by the second respondent, challenging the same, the petitioner filed W.P.No.5853 of 2018, seeking for a direction, as sought for herein. However, this Court, vide order, dated 15.03.2018, disposed of the said Writ Petition by holding that, unless and until, the order passed by the second respondent, dated 12.12.2017, whereby, the petitioner's request was denied, was put to challenge, the Writ Petition is not maintainable. Hence, the present Writ Petition is filed challenging the order passed by the second respondent, dated 12.12.2017 and to direct the second respondent to issue certified copy or attested copy of the legal heir certificate of late Thiru.S.Parthasarathy, within the time period as fixed by this Court.

3. The learned counsel appearing for the petitioner submits that the late S.Parthasarathy is none other than the elder brother of the petitioner's father and he died on 01.08.1989 and hence, his only class-I legal heir, viz., Kolammal obtained legal heirship certificate of late S.Parthasarathy, who predeceased her. Since the said Kollammal, died on 21.09.2016, leaving behind a Will in favour of the petitioner, and to probate the said Will, the petitioner is need of the legal heirship certificate obtained by Kolammal in respect of her husband late S.Parthasarathy.

4. The learned Additional Government Pleader for the respondents submits that the legal heir certificate of late S.Parthasarathy was issued on 1989. Subsequently, owing to the bifurcation of the Revenue District, the particulars related to said document was mixed with other papers, and hence, the respondents are not able to trace out the original book, where, the particulars with regard to issue of legal heir certificate of late S.Parthasarathy would be available. The learned Additional Government Advocate for the respondents further submits that since the only legal heir of the deceased S.Parthasarathy, viz., his wife, Kollammal also passed away on 21.09.2016, it is difficult for the respondents to verify into the genuineness of the request made by the petitioner. However, the learned Additional Government Pleader fairly submitted that, in case, the petitioner makes fresh application annexing the photocopy of the legal heir certificate of late S.Parthasarathy, the same will be considered and after verification of the photocopy of legal heir certificate of Late S.Parthasarathy with that of the existing documents, attested/certified copy of legal



heir certificate of late S.Parthasarathy, would be issued to the petitioner.

5. In reply, the learned counsel appearing for the petitioner is agreeable for such course being adopted.

6. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader for the respondents and perused the materials available on record.

7. In the light of the above submission, this Court, is hereby, directs the petitioner to make fresh application along with the photocopy of the legal heir certificate of S.Parthasarathy, which is stated to have issued as early as on 1989, within a period of two weeks from the date of receipt of a copy of this order. As and when, such an application is made together with the photocopy, as stated above, the second respondent is directed to consider the said application and after due verification of photocopy of the legal heir certificate of S.Parthasarathy, he shall issue certified copy or attested copy of the legal heir certificate of S.Parthasarathy to the petitioner within a period of two months thereafter.

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

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,  
Office of the District Collector,  
No.32, Rajaji Salai,  
Singaravelar Maligai,  
Chennai 0 600 001.
2. The Tahsildar,  
Velachery Taluk,  
Chennai - 600 113.

+1cc to Mr.S.Parthasarathy, Advocate, S.R.No.65011

+1cc to the Government Pleader, S.R.No.65840

W.P.No.10666 of 2018

NRL(CO)

RLP(05/01/2022)