

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.03.2021
CORAM

THE HONOURABLE Mr.JUSTICE ABDUL QUDDHOSE

W.P.No.7028 of 2021

G.Anandababu

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Petitioner

Vs

1.The District Collector of Villupuram,
Collectorate, Collector Office Road,
Moovendarnagar, Villupuram 605 602.

2.The Revenue Divisional Officer,
Villupuram - 605 602.

3.The Tahsildar,
Tindivanam Taluk Office,
Kamatchi Amman Koil Street,
Tindivanam - 604 001

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Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking for an issuance of a writ of mandamus to direct the third respondent to issue legal heirship certificate to the petitioner for the deceased Aunt the Late Lakshmi Ammal by considering his representation dated 04.01.2021.

For Petitioner : Mr.R.Agilesh

For Respondents : Mr.V.Shanmugasundar,
Special Government Pleader

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the third respondent to consider the petitioner's application seeking for issuance of legal heirship certificate for his deceased Aunt Lakshmi Ammal, who died on 02.05.1996 and pass final orders, within a time frame to be fixed by this Court.

2. Heard Mr.R.Agilesh, learned counsel for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader

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. It is the case of the petitioner that his aunt Lakshmi Ammal was married to one Subbarayalu at a very tender age and they had no issues. According to the petitioner, Subbarayalu pre-deceased his aunt Lakshmi Ammal in the year 1965. According to the petitioner, his aunt Lakshmi Ammal died on 02.05.1996 issueless. However, according to the petitioner, he only took care of her till her death. He would also submit that last rites were also performed on her only by him. According to the petitioner, excepting for him, there are no other Class-II legal heirs for the deceased Lakshmi Ammal. He would also submit that under Section 15 of the Hindu Succession Act, 1956, he is entitled to inherit the estate of his deceased aunt Lakshmi Ammal. He has submitted an application with the third respondent seeking for issuance of legal heirship certificate for his deceased aunt Lakshmi Ammal. Thereafter, he has given a representation to the third respondent on 04.01.2021 for the issuance of legal heirship certificate. Since the application submitted by the petitioner has not been considered till date, he has approached this Court under Article 226 of the Constitution of India.

4. The relief sought for in this writ petition is an innocuous one. The petitioner claims that he is the only Class-II legal heir for his deceased aunt Lakshmi Ammal, who died on 02.05.1996. He has submitted an application with the third respondent for issuance of legal heirship certificate for his deceased aunt Lakshmi Ammal. He has also sent a reminder on 04.01.2021 to the third respondent for issuance of legal heirship certificate for his deceased aunt Lakshmi Ammal.

5. No prejudice will be caused to the respondents, if the petitioner's application seeking for issuance of legal heirship certificate for his deceased aunt Lakshmi Ammal is considered on merits and in accordance with law, after hearing all the necessary parties including the petitioner.

6. For the foregoing reasons, this Court directs the third respondent to consider the petitioner's application dated 04.01.2021 requesting the third respondent to issue legal heirship certificate for his deceased aunt Lakshmi Ammal, who died on 02.05.1996 and pass final order on merits and in accordance with law, after hearing all the necessary parties including other legal heirs, if any, and also the petitioner, within a period of 12 weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (CS VII)

/TRUE COPY/

Sub-Assistant Registrar

srn

To

1.The District Collector of Villupuram,
Collectorate, Collector Office Road,
Moovendarnagar, Villupuram 605 602.

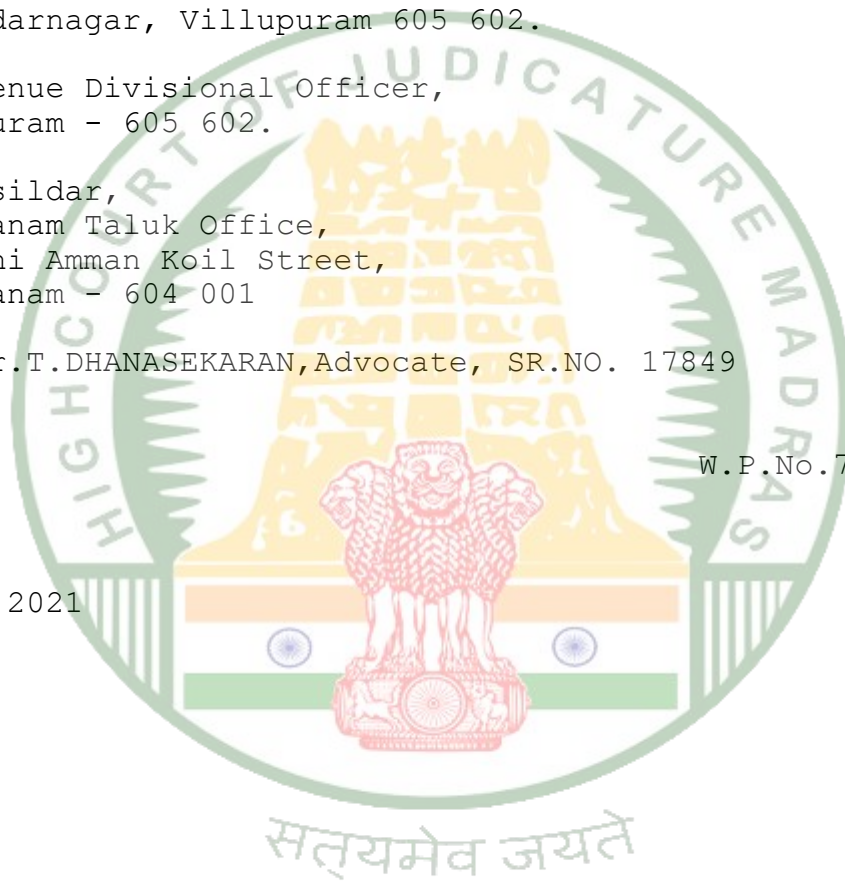
2.The Revenue Divisional Officer,
Villupuram - 605 602.

3.The Tahsildar,
Tindivanam Taluk Office,
Kamatchi Amman Koil Street,
Tindivanam - 604 001

+1cc to Mr.T.DHANASEKARAN,Advocate, SR.NO. 17849

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PCH(CO)
KKN 19.04.2021



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