

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2021

CORAM

THE HONOURABLE Mr.JUSTICE ABDUL QUDDHOSE

W.P.No.7087 of 2021

Ramalingam

... Petitioner

Vs

The Tahsildar,
Edappady Taluk,
Edappady,
Salem District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking for an issuance of a writ of mandamus to consider the petitioner's representation dated 13.01.2021 and to issue legal heirship certificate of deceased Subramani by recognizing the petitioner and his brother Duraisamy as his Class-II legal heirs forthwith.

For Petitioner : Mr.P.Jagadeesan
For Respondents : Mr.V.Shanmugasundar,
Special Government Pleader

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondent to consider the petitioner's representation dated 13.01.2021 requesting the respondent to issue legal heirship certificate for his deceased brother Subramani, who died as a bachelor on 14.10.2009 and pass final orders, within a time frame to be fixed by this Court.

2. Heard Mr.P.Jagadeesan, learned counsel for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader accepts notice on behalf of the respondent. 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 brother Subramani died as a bachelor on 14.10.2009. According to the petitioner, he and his brother Duraisamy are the only legal heirs for the deceased Subramani. According to him, the

respondent is not issuing legal heirship certificate, since the petitioner and his brother Duraisamy are Class-II legal heirs. In such circumstances, this Writ Petition has been filed.

4. It is settled law that there is no prohibition for the respondent to issue the legal heirship certificate for Class-II legal heirs also.

5. No prejudice will be caused to the respondent, if the petitioner's representation seeking for issuance of legal heirship certificate for his deceased brother Subramani, who died on 14.10.2009 is considered on merits and in accordance with law, after hearing all the necessary parties including the petitioner as well as other Class-II legal heirs of the deceased Subramani.

6. For the foregoing reasons, this Court directs the respondent to consider the petitioner's representation dated 13.01.2021 requesting the respondent to issue legal heirship certificate for his deceased brother Subramani, who died as a bachelor on 14.10.2009 by recognising the petitioner and his brother Duraisamy as his Class-II legal heirs and pass final orders on merits and in accordance with law, after hearing all the necessary parties including the petitioner as well as his brother, Duraisamy, 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

The Tahsildar,
Edappady Taluk,
Edappady, Salem District.

+1cc to Mr.P.Jagadeesan, Advocate, S.R.No. 17394

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PCH(CO)
TE (19/04/2021)