

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.03.2021
CORAM

THE HONOURABLE Mr.JUSTICE ABDUL QUDDHOSE

W.P.No.7531 of 2021

G.Nithiyakalyani

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Petitioner

Vs

1. The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Tondiarpet,
Chennai 600 081.

2. The Tahsildar,
Tondiarpet Taluk Office,
Tondiarpet,
Chennai 600 081

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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 second respondent to consider the petitioner's representation dated 22.02.2021 to issue a second class legal heir certificate of the deceased Sasikala.

For Petitioner : Mr.T.Nixon

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

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the second respondent to consider the petitioner's application seeking for issuance of legal heirship certificate for her deceased sister Sasikala, who died on 11.04.2011 within a time frame to be fixed by this Court.

2. Heard Mr.T.Nixon, 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 she is the sister of Sasikala, who died on 11.04.2011. According to the petitioner, Sasikala was unmarried at the time of her death. According to her, she and her brother, Dineshwaran and two other sisters, namely, Kanagavalli and Sankari are the only legal

heirs of the deceased Sasikala. The petitioner applied for legal heirship certificate for her deceased sister Sasikala with the second respondent. Since the petitioner is a class-II legal heir, the second respondent, till date, has not issued the legal heirship certificate. In such circumstances, this Writ Petition has been filed.

4. It is settled law that there is no prohibition for the second respondent to issue the legal heirship certificate for Class-II legal heirs also. In the instant case, the petitioner claims that she and her brother, Dineshwaran and two other sisters, namely, Kanagavalli and Sankari are the only legal heirs of their deceased sister Sasikala, who died as a spinster on 11.04.2011. The petitioner has applied for legal heirship certificate with the second respondent for her deceased sister Sasikala. Since the petitioner is a Class-II legal heir, the second respondent has not issued the legal heirship certificate. Hence, the second respondent ought to have considered the petitioner's application seeking for issuance of legal heirship certificate for her deceased Sasikala on merits and in accordance with law.

5. No prejudice will be caused to the respondents, if the petitioner's application seeking for issuance of legal heirship certificate for her deceased Sister Sasikala, who died on 11.04.2011 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 Sasikala.

6. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's application seeking for issuance of legal heirship certificate for her deceased Sister Sasikala, who died on 11.04.2011 and pass final orders on merits and in accordance with law, after hearing all the necessary parties including the petitioner as well as other legal heirs of the deceased sister, Sasikala, 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 III)

/TRUE COPY/

Sub-Assistant Registrar

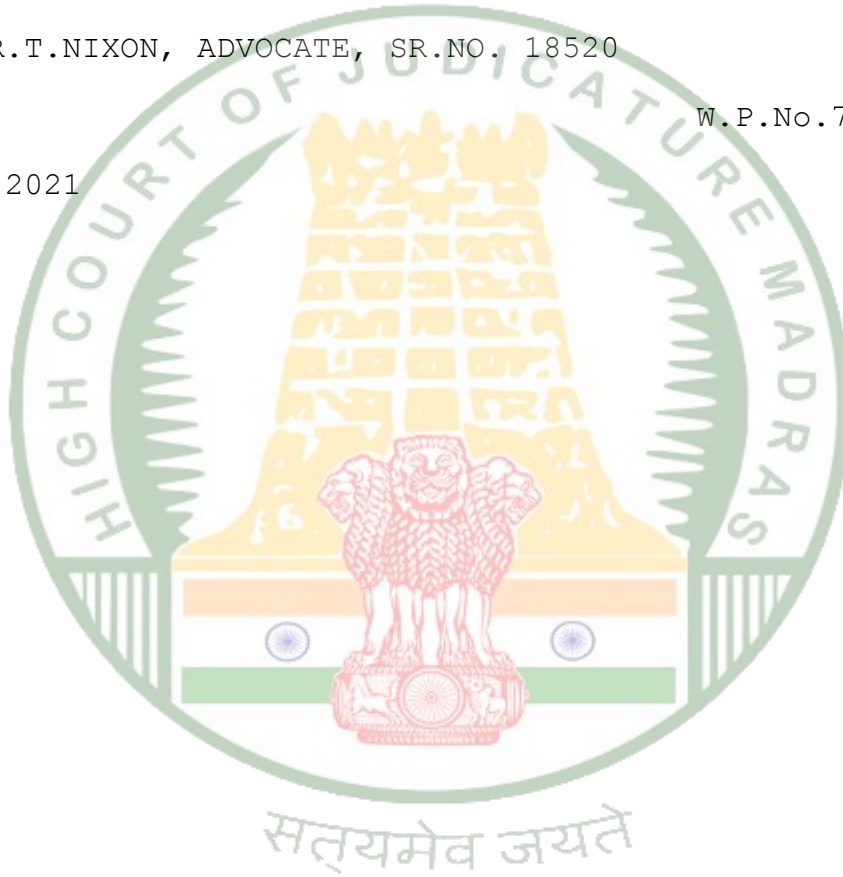
srn
To

1. The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Tondiarpet,
Chennai 600 081.
2. The Tahsildar,
Tondiarpet Taluk OFFice,
Tondiarpet,
Chennai 600 081

+1CC TO MR.T.NIXON, ADVOCATE, SR.NO. 18520

W.P.No.7531 of 2021

PCH(CO)
KKN 20.04.2021



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