

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.11363 of 2020

Gnanothaayam

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Petitioner

Vs.

1. The District Collector,
Dharmapuri
Dharmapuri District.

2. The District Revenue Divisional Officer,
Dharmapuri
Dharmapuri District.

3. The Revenue Divisional Officer,
Harur,
Dharmapuri District.

4. The Tahsildar,
Harur Taluk,
Dharmapuri District.

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Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to issue Legal Heirship certificate to the petitioner as per under Section 8 of Hindu Succession Act, 1956 and by considering the representation made by the petitioner dated 22.11.2019.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.V.Shanmuga Sundar,
Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to issue Legal Heirship Certificate for R.Gnapalam, the brother of the petitioner, who died on 04.04.2015 based on the petitioner's representation dated 22.11.2019.

2. It is the case of the petitioner that her brother R.Gnapalam, died as a bachelor on 04.04.2015. According to the petitioner, she gave a representation to the respondents on 22.11.2019 requesting the respondents to issue Legal Heirship Certificate for her deceased brother Gnapalam. However, according to her, despite the said representation, till date the Legal Heirship Certificate has not been issued by the respondents on the ground that the petitioner is a Class II Legal Heir. According to the petitioner she and her mother alone are the surviving Legal heirs of the deceased R.Gnapalam. Since the representation of the petitioner dated 22.11.2019 requesting for issuance of Legal Heirship Certificate for her deceased brother R.Gnapalam has not been issued, this writ petition has been filed.

3. Heard Mr.P.Ganesan, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader for respondents.

4. The relief sought for in this writ petition is an innocuous one. The petitioner has sought for Legal Heirship Certificate for her deceased brother R.Gnapalam, who died on 04.04.2015. It is also the case of the petitioner that R.Gnapalam died as a Bachelor. It is also contended by the petitioner that she and her mother are the sole surviving legal heirs of the deceased R.Gnapalam. The petitioner has given a representation on 22.11.2019 with the respondents requesting them to issue Legal Heirship certificate for her deceased brother R.Gnapalam. Admittedly, till date the Legal Heirship Certificate has not been issued. According to the petitioner, only on the ground that the petitioner being a Class II Legal Heir of the deceased, the respondents have not issued the Legal Heirship certificate for her deceased brother Gnapalam. It is settled law that the 4th respondent is empowered to issue Legal Heirship certificate for Class II Legal Heirs also. Admittedly, the representation, dated 22.11.2019 has not been considered by the respondents till date. No prejudice will be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law and in the light of the settled law that there is no prohibition for the 4th respondent to issue Legal Heirship certificate for Class II Legal Heirs also.

5. For the foregoing reasons, this Court directs the 4th respondent to consider the petitioner's representation dated 22.11.2019 seeking for issuance of Legal Heirship Certificate for her deceased brother R.Gnapalam, who died on 04.04.2015 and pass final orders on merits and in accordance with law after hearing all the necessary parties including the petitioner and

the other surviving Legal Heirs of R.Gnapalam, the deceased, in the light of the settled law that the 4th respondent is empowered to issue Legal Heirship Certificate for Class II Legal Heirs also, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Dharmapuri
Dharmapuri District.

2. The District Revenue Divisional Officer,
Dharmapuri
Dharmapuri District.

3. The Revenue Divisional Officer,
Harur,
Dharmapuri District.

4. The Tahsildar,
Harur Taluk,
Dharmapuri District.

+1cc to Mr.P.Ganesan, Advocate SR.11438

+1cc to the Government Pleader SR.11916

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PA(CO)

CB(17/03/2021)

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