

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.13167 of 2020

P.Mukundan

... Petitioner

Vs

The Tahsildar,
Mylapore - Triplicane Office,
Chennai 600 028

... Respondent

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to consider the petitioner's representation /application dated 14.03.2020 in pursuant to issue a relationship certificate to the petitioner, the petitioner is the grandson of the P.Kuppan @ Kuppusamy, who lived at Chennai at No.11, Mayandi Colony, Lloyds Road, Triplicane, Chennai 600 005.

For petitioner ... Mr.K.P.Chandrasekaran

For respondents ... Mr.K.Parameshwaran
Govt.Advocate

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents to consider the petitioner's application dated 14.03.2020 seeking for issuance of a legal heirship certificate for his grand father P.Kuppan @ Kuppusamy, who died on 23.02.1964.

2. According to the petitioner, P.Kuppan @ Kuppusamy died on 23.02.1964, leaving behind 2 sons and one of the sons, by name, K.Paramasivam also died thereafter on 16.06.1977. The petitioner's father K.Paramasivam, who is the son of P.Kuppan @ Kuppusamy died leaving behind legal heirs. According to the petitioner, after the death of P.Kuppan @ Kuppusamy on 23.02.1964, no legal heirship certificate was applied by anyone

for him. The petitioner has applied for legal heirship certificate for the deceased P.Kuppan @ Kuppusamy, who died on 23.02.1964 with the respondent. Since the application dated 14.03.2020 submitted by the petitioner with the respondent seeking for issuance of legal heirship certificate for the deceased P.Kuppan @ Kuppusamy, who died on 23.02.1964 has not been considered, the petitioner has approached this Court by filing this Writ Petition.

3. Heard Mr.K.P.Chandrasekaran, learned counsel for the petitioner and Mr.K.Parameshwaran, learned Government Advocate for the respondents.

4. The relief sought for in this writ petition is an innocuous one. The petitioner seeks for issuance of a legal heirship certificate for his grand father P.Kuppan @ Kuppusamy, who died on 23.02.1964. It is also his case that none of the legal heirs had applied earlier for the legal heirship certificate for the deceased P.Kuppan @ Kuppusamy. The petitioner has applied for legal heirship certificate on 14.03.2020. Admittedly, till date, the petitioner's application has not been considered on merits and in accordance with law by the respondent.

5. For the foregoing reasons, this Court directs the respondent to consider the petitioner's application dated 14.03.2020 seeking for issuance of legal heirship certificate for his deceased grand father P.Kuppan @ Kuppusamy, who, according to the petitioner, lived at No 11, Mayandi Colony, Lloyds Road, Chennai 600 005 at the time of his death and pass final orders on merits and in accordance with law, after affording fair hearing to all the necessary parties including the petitioner and other legal heirs of the deceased P.Kuppan @ Kuppusamy, within a period of 12 weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

srn
To

The Tahsildar,
Mylapore - Triplicane Office,
Chennai 600 028.

+lcc to the Government Pleader Sr.5095
+lcc to Mr.K.P.Chandrasekaran, Advocate Sr.5298

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