

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2021

C O R A M

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.14938 OF 2020

Ruckmanimala Prabhakar Mudaliar

... Petitioner

Vs.

1. The District Collector,
Thiruvallur High Road,
Gandhi Nagar,
Ambattur, Chennai - 600 053.

2. The Tahsildar,
Ambattur Tahsildar Office,
Thiruvallur High Road,
Gandhi Nagar,
Ambattur, Chennai - 600 053.

... Respondents

PRAYER:

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to consider the representation/application dated 12.11.2019 pending on the file of the second respondent herein

For Petitioner : Mr.K.R.Hariharan

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

O R D E R

This writ petition has been filed for a mandamus seeking for a direction to the respondents to consider the petitioner's application dated 12.11.2019 seeking for issuance of legal heirship certificate for her Aunt P.D.Kamakshi who died issueless on 16.05.2019.

2. According to the petitioner, the husband of P.D.Kamakshi (deceased) also pre-deceased her on 14.11.2006. It is the case of the petitioner that (a) the petitioner (b) Kalavathy, (c) Vidhyalakshmi Chandrasekar and (d) Padmavathy are the class-II legal heirs of the deceased P.D.Kamakshi. It is her case that

she applied for legal heirship certificate with the respondents for the deceased P.D.Kamakshi on 12.11.2019. It is her case that despite the said application, the respondents have not issued legal heirship certificate of the deceased P.D.Kamakshi till date. In such circumstances, this writ petition has been filed.

3. Heard Mr.K.R.Hariharan, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondents.

4. It is now settled law that the legal heirship certificate can be issued for class-II legal heirs also. However, it is for the respondents to consider the petitioner's application dated 12.11.2019 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 P.D.Kamakshi.

5. Admittedly, the application of the petitioner dated 12.11.2019 seeking for issuance of legal heirship certificate for the deceased P.D.Kamakshi has not been considered by the respondents till date. No prejudice will be caused to the respondents, if the petitioner's application is considered on merits and in accordance with law after hearing all the necessary parties.

6. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's application dated 12.11.2019 seeking for issuance of legal heirship certificate for the deceased P.D.Kamakshi who died on 16.05.2019 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 P.D.Kamakshi.

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

सत्यमेव जयते Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

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To

1. The District Collector,
Thiruvallur High Road,
Gandhi Nagar,
Ambattur, Chennai - 600 053.

2. The Tahsildar,
Ambattur Tahsildar Office,
Thiruvallur High Road,
Gandhi Nagar,
Ambattur, Chennai - 600 053.

+1cc to Mr.K.R.Hariharan, Advocate, S.R.No.2924

W.P.No.14938 of 2020

RP(CO)
CS/10/02/2021



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