

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.15739 of 2020 &  
W.M.P.No19574 of 2020

1.C.R.Shankar  
2.J.Kamakshi  
3.C.R.Lakshmi  
4.Rama Swaminathan  
5.C.R.Lakshmi Narayanan ... Petitioners

Vs

The Tahsildar,  
Mambalam Taluk Office,  
New No.1, Old No.2, Bharathidasan Salai,  
K.K.Nagar,  
Chennai - 600 078. ... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus calling for the entire records pertaining to the impugned order passed by the respondent in Na.Ka.No.E1/2265/2020 dated 05.10.2020 quash the same and consequently direct the respondent to issue legal heir certificate to the petitioners as per the Hindu Succession in similar cases within stipulated time fixed by this Court.

For petitioners ... Mr.Gautham Venkatesh

For respondents ... Mr.K.Parameshwaran  
Government Advocate

ORDER

This writ petition has been filed challenging the order dated 05.10.2020 passed by the respondent rejecting the petitioners' application seeking for issuance of legal heirship certificate for their brother C.R.Krishnan who died on 01.08.2020.

2. According to the petitioners, they and the deceased C.R.Krishnan are siblings and they are the only surviving class-II legal heirs of the deceased C.R.Krishnan who died as a

bachelor on 01.08.2020. It is the case of the petitioners that the first petitioner applied for legal heirship certificate with the respondent for the deceased C.R.Krishnan who died on 01.08.2020. However, according to the petitioners, arbitrarily and by total non application of mind to the statutory provisions, the respondent has rejected the petitioners' application on the ground that they are class-II legal heirs. In such circumstances, this writ petition has been filed.

3. Heard Mr.Gautham Venkatesh, learned counsel for the petitioners and Mr.K.Parameshwaran, learned Government Advocate for the respondent.

4. Admittedly, the impugned order has been passed only on the ground that the petitioners are Class-II legal heirs and are not entitled for legal heirship certificate for their deceased brother C.R.Krishnan.

5. It is settled law that there is no bar for the respondent to issue legal heirship certificate for Class-II legal heirs. Therefore, this Court is of the considered view that by total non application of mind to the settled provisions of law, the impugned order has been passed. Hence, the impugned order has to be necessarily quashed and the matter remanded back to the respondent for fresh consideration on merits and in accordance with law within a time frame to be fixed by this Court.

6. In the result, the impugned order dated 05.10.2020 is hereby quashed and the matter remanded back to the respondent for fresh consideration and the respondent shall pass final orders on merits and in accordance with law after giving notice to all the necessary parties including the petitioners within a period of twelve 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. Consequently, connected miscellaneous petition is closed.

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Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

The Tahsildar,  
Mambalam Taluk Office,  
New No.1, Old No.2, Bharathidasan Salai,  
K.K.Nagar,  
Chennai - 600 078.

+lcc to M/s.V.Goutham Venkatesh, Advocate Sr.8908

+lcc to the Government Pleader Sr.9328

W.P. No.15739 of 2020

gm I[co]  
srg 05/03/2021



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