

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2021

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.18545 of 2020

D.Murthy

... Petitioner

Vs

1. The District Collector,
Kanchipuram District,
Kanchipuram.

2. The Tahsildar,
Kanchipuram Taluk,
Kanchipuram

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the second respondent herein to issue a legal heirship certificate of the petitioner's deceased father Duraisami pursuant to his on-line application dated 26.08.2020 and representation dated 08.09.2020 made to the second respondent in the light of a circular vide circular No.11/2017, RC.No.RA5(3)/180/2017 dated 09.08.2017 issued by the Principal Secretary / Commissioner of Revenue Administration, Government of Tamil Nadu within a stipulated period.

For petitioner ... Mr.K.P.M.Shankar

For respondents ... Mr.V.Shanmugasundar
Spl.Govt.Pleader

ORDER

This writ petition has been filed challenging the order dated 22.10.2020 passed by the second respondent rejecting the petitioner's application seeking for issuance of legal heirship certificate for his deceased father Duraisami, who died on 30.10.2017 on the ground that the petitioner has not produced sufficient documents for getting the legal heirship certificate.

2. It is the case of the petitioner that his father Duraisami died on 30.10.2017 leaving behind the petitioner,

D.Rajendran, D.Karunanidhi, Pavunammal, Chitra, Jayanthi, D.Murthy and Shanthi as his only legal heirs. According to the petitioner, he has produced the death certificate of his father with the second respondent. Apart from producing the death certificate, he has also produced the family card of his deceased father, death certificate of his mother, legal heirship certificate for his mother, bank passbook extract of the petitioner's deceased father, Aadhar Cards of all the legal heirs before the second respondent, but, despite production of the same, it is the case of the petitioner that arbitrarily and by total non-application of mind, the second respondent rejected the petitioner's application seeking for issuance of legal heirship certificate for his deceased father Duraisami on the ground that the petitioner has not produced the relevant documents. In such circumstances, the petitioner has challenged the impugned order.

3. A counter affidavit has been filed by the respondents stating that the petitioner has not co-operated in the enquiry proceedings conducted by the second respondent and that the petitioner has not produced all the relevant documents and he has also not uploaded the Aadhar Cards of the remaining legal heirs in the website of the respondents.

4. Heard Mr.K.P.M.Shankar, learned counsel for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader for the respondents.

5. Admittedly, as seen from the impugned order excepting for stating that the application for issuance of legal heirship certificate for his deceased father Duraisami was rejected, since the documents produced by the petitioner were not proper, no specific reasons have been given as to why those documents were not proper. Infact, as seen from the affidavit filed in support of the Writ Petition, the petitioner claims that he has submitted the following documents to the second respondent along with his application for issuance of legal heirship certificate for his deceased father Duraisami.

- a) Family Card of the petitioner's deceased father.
- b) Death Certificate of the petitioner's mother.
- c) Legal heirship certificate for the petitioner's mother.
- d) Bank passbook extract of the petitioner's deceased father.
- e) Circular issued by the Principal Secretary / Commissioner of

Revenue Administration dated 09.08.2017.

- f) Death Certificate of the petitioner's deceased father.

g) Aadhar Cards of all the legal heirs of the petitioner's deceased father.

6. Even though the aforementioned documents were produced by the petitioner before the second respondent, the second respondent has rejected the application on the ground that the petitioner has not produced proper documents. The second respondent has not considered the aforementioned documents produced by the petitioner in the impugned order. Therefore, this Court is of the considered view that arbitrarily and by total non-application of mind to the documents submitted by the petitioner, the impugned order has been passed. Hence, the impugned order dated 22.10.2020 will have to be necessarily quashed and the matter remanded back to the second respondent for fresh consideration in accordance with law.

7. For the foregoing reasons, the impugned order dated 22.10.2020 is hereby quashed and the matter is remanded back to the second respondent for fresh consideration and the second respondent shall pass final orders on the petitioner's application seeking for issuance of Legal Heirship Certificate for his deceased father Duraisami, who died on 30.10.2017, after affording sufficient opportunity to the petitioner and other necessary parties including the remaining legal heirs and if necessary, grant personal hearing also, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS III)

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सत्यमेव जयते

Sub Assistant Registrar

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To

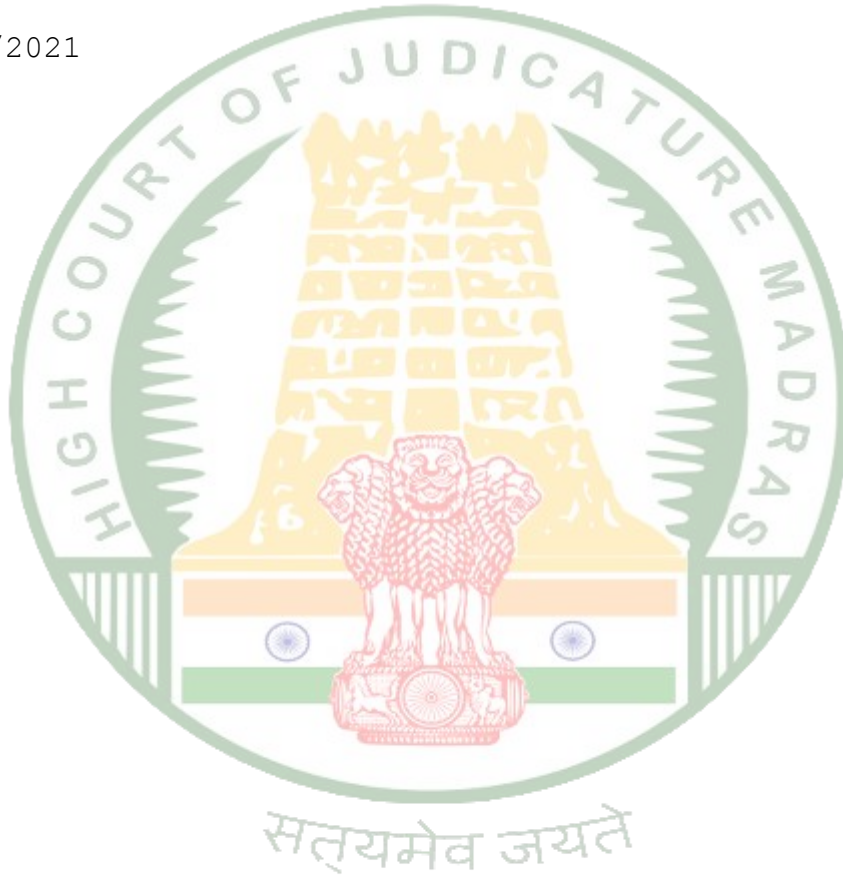
1. The District Collector,
Kanchipuram District,
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2. The Tahsildar,
Kanchipuram Taluk,
Kanchipuram.

+1cc to Mr.K.P.M.Shankar, Advocate Sr.2434

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br[co]
srg 17/02/2021



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