

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No.20594 of 2021

1. Vijayalakshmi
2. T.Pushpalatha
3. A.Dilli Baskar

.. Petitioners

Versus

1. The Tahsildar,
T.Nagar, Guindy Taluk,
Chennai - 600 032.
2. The Tahsildar,
Thirukazhukundram Taluk,
Chengalpattu, Chengalpattu District.
3. The Revenue Divisional Officer - II,
T.Nagar, Guindy Taluk,
Chennai - 600 032.
4. The Revenue Divisional Officer,
Ponvilainthakalathur,
Thirukazhukundram Taluk,
Chengalpattu, Chengalpattu District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records from the respondents 1 & 2 pertaining to the impugned order 12.02.2021 vide Oo.Mo.No.336/2020/Aa4 passed by the second respondent and the impugned

order dated 09.08.2021 Na.Ka.No.E1/0343/2021 passed by the first respondent and quash the same and consequently direct to the second respondent to issue the Class - I Legal Heirship Certificate to the petitioners herein.

For Petitioner : Mr.S.Jaganathan
For Respondents : Mr.G.Krishnaraja
Government Counsel

ORDER

Challenging the orders dated 09.08.2021 and 12.02.2021 passed by the respective respondents 1 and 2, the petitioner has come up with this writ petition. A consequential direction has also been sought to the second respondent to issue a Class - I legal heirship certificate to the petitioners.

2. According to the petitioners, their parents viz., Valli and K.Arumugam, who were living at Thunjam Village, Thirukazhukundram, died on 26.07.2000 and 31.07.2000 respectively, leaving behind their children, the petitioners as their surviving legal heirs. Subsequently, the petitioners, who are residing at Chennai, applied for legal heirship certificate enclosing all the relevant documents to the second respondent on 15.06.2020. Upon receipt of the same, enquiry was conducted and a report was filed by the Revenue Inspector on 08.02.2021. Based on the same, the second respondent rejected

the said application by endorsement dated 12.02.2021 stating that the deceased were residing and died within the taluk of Thirukazhukundram, whereas all the documents pertaining to the petitioners are pertaining to Guindy taluk. Thereafter, the petitioners again applied for legal heirship certificate to the first respondent on 18.02.2021, which was also rejected on 09.08.2021, stating that no information was made available with regard to the deceased, as they were not residing within the locality. Feeling aggrieved, the petitioners have come up with this writ petition for the aforesaid relief.

3. The learned counsel for the petitioners submitted that the petitioners being the class I legal heirs of their deceased parents, are entitled to receive the legal heir certificate. However, the respondents, without conducting proper enquiry, rejected the petitioners' applications seeking legal heirship certificate, by the orders impugned herein, which are arbitrary, illegal and contrary to the law of succession. Hence, the learned counsel sought to allow this writ petition by setting aside the orders impugned herein.

4. On the other hand, the learned Government Counsel appearing for the respondents 1 to 4 fairly submitted that the petitioners are residing at Chennai and are within the jurisdiction of the first respondent and hence, this court may

set aside the orders impugned herein and remand the matter to the first respondent for fresh consideration.

5. In view of the submissions so made by the learned counsel on either side, the orders dated 09.08.2021 and 12.02.2021 passed by the respective respondents 1 and 2 are set aside and the matter is remanded back to the first respondent for fresh consideration. The first respondent shall conduct an enquiry, afford an opportunity of hearing to the petitioners, consider the documentary evidence that may be submitted by them and thereafter pass an order on merits and in accordance with law as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order.

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

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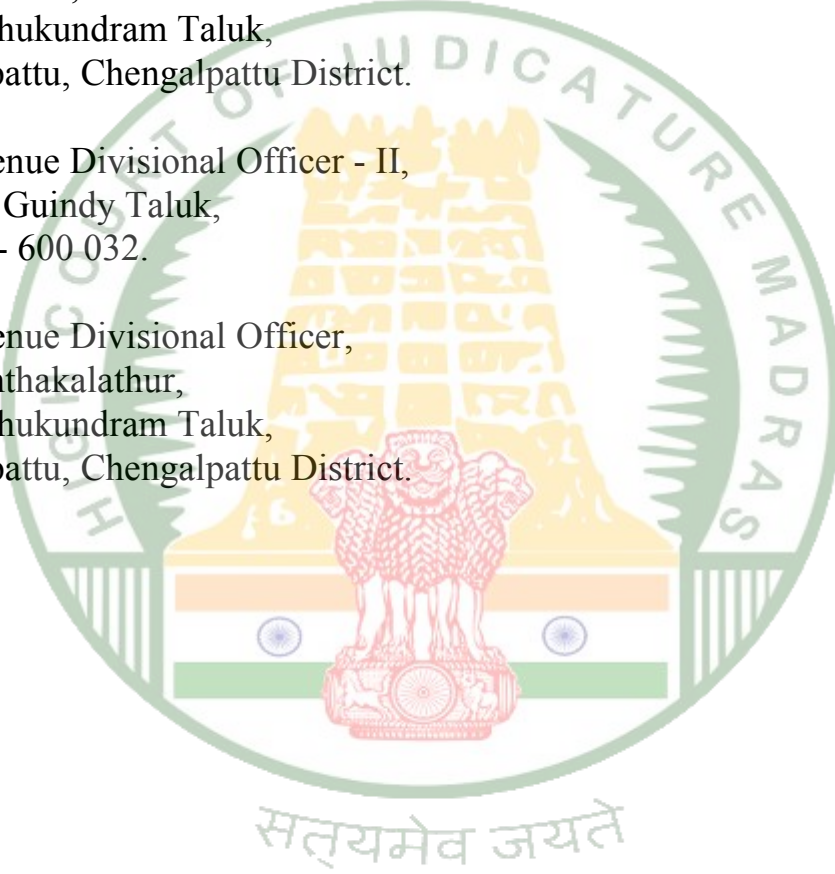
20.10.2021

Index : Yes/No
Internet : Yes/No

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