

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.16395 of 2020

V.Mahentheran

... Petitioner

Vs.

The Tahsildar,
Mylapore - Triplicane Taluk,
Greenways Salai,
Raja Annamalaipuram,
Chenani - 600 028.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records in proceedings vide O.M.No.A4/2178/2020 dated 09.10.2020 passed by the Respondent and quash the same and consequently directing the respondent to grant legal heirship certificate under class II legal heirs in favour of the petitioner after conducting proper enquiry.

For Petitioner : Ms.G.Uma Maheswari

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

O R D E R

This writ petition has been filed challenging the proceedings vide O.M.No.A4/2178/2020 dated 09.10.2020 passed by the respondent and seeking for a direction to the respondent to issue legal heirship certificate for Rani who died issueless on 27.04.2013 after conducting proper enquiry.

2. According to the petitioner, the deceased Rani and her husband had dissolved their marriage by entering into a marriage cancellation agreement on 15.11.1988. It is the case of the petitioner that his sister Rani died on 27.04.2013 and he has taken care of his sister Rani till her death. It is also the case of the petitioner that all other siblings of Rani (deceased) also died. It is his case that he applied for legal heirship certificate with the respondent for the deceased Rani

on 20.08.2020. It is her case that the respondent has rejected the said representation on the ground that he does not have any authority to issue the legal heirship certificate for Class-II legal heirs as per the guidelines. In such circumstances, this writ petition has been filed.

3. Heard Ms.G.Uma Maheswari, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondent.

4. It is now settled law that the legal heirship certificate can be issued for class-II legal heirs also.

5. Therefore, this Court is of the considered view that the impugned order has been passed arbitrarily and by total non application of mind. Hence, the impugned proceedings will have to be necessarily quashed and the matter will have to be remanded back to the respondent for fresh consideration on merits and in accordance with law.

6. In the result, the impugned proceedings O.M.No.A4/2178/2020 dated 09.10.2020 is hereby quashed and the matter is remanded back to the respondent for fresh consideration and the respondent shall pass final orders on merits and in accordance with law on the petitioner's application dated 20.08.2020 seeking for issuance of legal heirship certificate for his sister Rani after affording a fair hearing to the petitioner 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.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

The Tahsildar,
Mylapore - Triplicane Taluk,
Greenways Salai,
Raja Annamalaipuram,
Chenani - 600 028.

+lcc to Mr.S.Veeraraghavan, Advocate Sr.2708

W.P.No.16395 of 2020

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srg 11/02/2021