

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2021

CORAM :

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.19750 of 2020

Rajeswari ... Petitioner

Vs.

1. The District Collector,
Chennai District, Chennai.

2. The Tahsildar,
Egmore Taluk,
Chennai - 31.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent herein to consider the petitioner's representation dated 05.10.2020 to issue Class II Legal Heir Certificate for her deceased sister Mrs.Anandanayagi @ Neela in favour of the petitioner and her sisters within a period fixed by this Hon'ble Court.

For Petitioner : Mr.A.Thendral

For Respondents : Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

This writ petition has been filed for a mandamus seeking for a direction to the 2nd respondent to consider the petitioner's representation, dated 05.10.2020, requesting the 2nd respondent to issue Legal Heir Certificate for her deceased sister Mrs.T.Anandanayagi @ Neela, who died on 09.12.2014, and pass final orders within the time framed to be fixed by this Court.

2.It is the case of the petitioner that she is the sister of the deceased Mrs.T.Anandanayagi @ Neela, who died on 09.12.2014. The petitioner claims that the deceased Mrs.T.Anandanayagi @ Neela died as a spinster. According to her, she and her four other sisters are the Legal Heirs of the deceased Mrs.T.Anandanayagi @ Neela. The petitioner has applied for Legal Heir Certificate for her deceased sister Mrs.T.Anandanayagi @ Neela with the 2nd respondent as Class-II Legal Heir. The petitioner has also given several

representations to the 2nd respondent requesting him to issue Legal Heir Certificate for Mrs.T.Anandanayagi @ Neela and last such representation was given on 05.10.2020. It is the case of the petitioner that the 2nd respondent has not issued the Legal Heir Certificate for Mrs.T.Anandanayagi @ Neela to the petitioner, since she is not a Class-I Legal Heir, but is only Class-II Legal Heir. Since the representations were not considered by the respondents, this writ petition has been filed.

3.Heard Mr.A.Thendral, learned counsel for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader, for the respondents.

4.The petitioner has placed before this Court the Death Certificate of Mrs.T.Anandanayagi @ Neela, who died on 09.12.2014. The petitioner has also placed before this Court her representation, dated 05.10.2020, to the 2nd respondent, requesting the 2nd respondent to issue Legal Heir Certificate for Mrs.T.Anandanayagi @ Neela. Admittedly, the application submitted by the petitioner seeking for issuance of Legal Heir Certificate for the deceased Mrs.T.Anandanayagi @ Neela has not been considered till date. The petitioner has rightly contended in the affidavit filed in support of this writ petition that there is no prohibition for the 2nd respondent to issue Legal Heir Certificate for Class-II Legal Heirs also.

5.It is settled law that there is no prohibition for grant of Legal Heir Certificate for Class-II Legal Heirs also. The petitioner's sister died as early as on 09.12.2014. The petitioner has also applied for Legal Heir Certificate for her deceased sister. The petitioner claims that she and four other sisters are the only Legal Heirs for the deceased Mrs.T.Anandanayagi @ Neela. No prejudice would be caused to the respondents if the petitioner's application seeking for issuance of Legal Heir Certificate for her deceased sister Mrs.T.Anandanayagi @ Neela is considered on merits and in accordance with law, after hearing all the necessary parties including the petitioner and other Legal Heirs of the deceased.

6.For the foregoing reasons, this Court directs the 2nd respondent to consider the petitioner's application seeking for issuance of Legal Heir Certificate for her deceased sister Mrs.T.Anandanayagi @ Neela, who died on 09.12.2014, and pass final orders on merits and in accordance with law after hearing the petitioner as well as other Legal Heirs of Mrs.T.Anandanayagi @ Neela, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that the 2nd respondent is empowered to issue Legal Heir Certificate for Class-II Legal Heirs also.

Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mkn

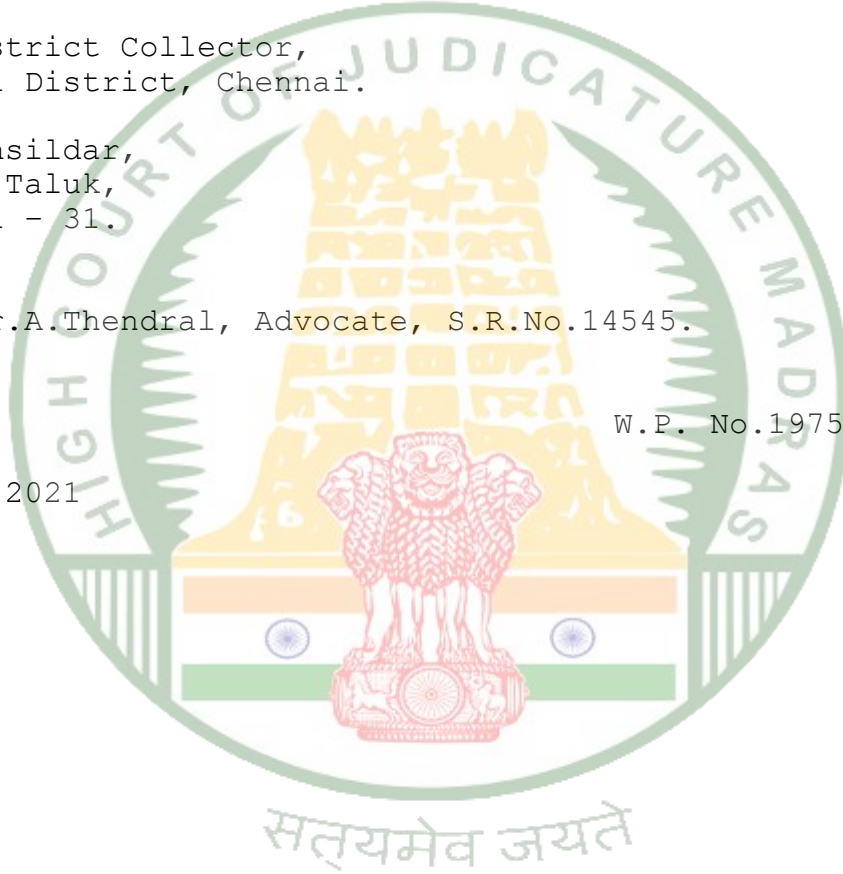
To

1. The District Collector,
Chennai District, Chennai.
2. The Tahsildar,
Egmore Taluk,
Chennai - 31.

+1cc to Mr.A.Thendral, Advocate, S.R.No.14545.

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KK(CO)
CSR 25.03.2021



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