



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.09.2021

Coram

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P.No.20530 of 2021

A. Masilamani

.. Petitioner

Versus

The Tahsildar,  
Guindy Taluk,  
Chennai District

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to issue legalheirship certificate of the deceased Anbu S/o. Arunachalam to the petitioner based on the petitioner's representation dated 04.08.2021, within a stipulated time as may be fixed by this Court

For Petitioner : Mr.T.Arokiadass  
for M/s.Dass and Viswa Associates

For Respondent : Mr. G. Krishnaraja,  
Government Counsel

ORDER

Mr. G. Krishnaraja, learned Government Counsel takes notice for the sole respondent. With the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The relief sought in this writ petition is to direct the respondent to issue legal-heirship certificate of the deceased Anbu S/o.Arunachalam to the petitioner based on his representation dated 04.08.2021, within a stipulated time as may be fixed by this Court.

3. The petitioner's brother Mr.A.Anbu was a bachelor and he died on 01.01.2021. The said Anbu was a painter and he was running his life with the lank income earned by him through painting and till his death, he was residing with the



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petitioner. He had a Savings Bank Account bearing No.220007787 with the Chennai Central Co-operative Bank, Ltd., Saidapet West Branch. He had saved a sum of Rs.2,98,572.40/- in the said bank account. After his death, the petitioner and his siblings approached the Authorities of the aforesaid Bank with the death certificate of their brother Anbu and requested them to grant permission for withdrawing the amount lying in the account of their deceased brother Anbu. But the Authorities of the Bank refused to grant such permission and directed them to furnish the legal-heir certificate to the effect that they are the legal heirs of the deceased Anbu. Therefore, the petitioner made a representation dated 19.04.2021 along with the relevant documents, before the respondent, requesting to issue the legal-heirship certificate to him and his siblings since they are the only legal heirs of their deceased brother Anbu, however, the respondent orally refused to issue the legal-heirship certificate to them for the reason that they are the second class legal-heirs of the deceased Anbu. Once again, the petitioner made a representation dated 04.08.2021 before the respondent in this regard, but, till date, there is no response for the same. Hence, the petitioner has filed the present writ petition before this Court for the aforesaid relief.

4. The learned counsel for the petitioner placed reliance on the order passed by this Court in W.P.No.5883 of 2020 (P.Riza Ahmed Vs. The Tahsildar, Walajah Taluk, Walajah, Ranipet District) dated 06.03.2020 and contended that in the aforesaid order, this Court, after analyzing the various decisions in the field, has concluded that a Tahsildar is empowered to issue even Class II legal heir certificate provided he is satisfied with the genuineness of the claim made by the applicant after conducting an enquiry. Only in cases, where, the Tahsildar is not satisfied with the genuineness of the claim, he can direct the applicant to approach the competent Civil Court. In this case, the respondent orally refused to issue legal heir certificate on the ground that petitioner is not the class I legal heir of the deceased. He therefore prayed for issuing appropriate direction to the respondent to issue legal heir certificate to the petitioner within a specified time limit.

5. Heard the learned counsel on both sides and perused the materials placed before this Court.

6. Considering the limited relief sought by the petitioner, this Court, without going into the merits of the case, directs the respondent to consider the petitioner's representation dated 04.08.2021, afford an opportunity of hearing to him as well as all the necessary parties and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.



7. This Writ Petition is disposed of with the above direction. No costs.

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Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrr/rsh

To

The Tahsildar,  
Guindy Taluk,  
Chennai District.

+1cc to M/s.Dass & Viswa Associates Sr No.49189  
+1cc to the Government Pleader Sr No.49757

WP No. 20530 of 2021

AD (CO)  
PR (13/10/2021