

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.01.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.18689 of 2020

Arun Kumar Singh ... Petitioner

Vs

1. The District Collector,
Cuddalore District, Cuddalore.
2. The Tahsildar,
Vridhachalam Taluk, Cuddalore District.
3. The Village Administrative Officer,
Rajendira Pattinam Village,
Vridhachalam Taluk,
Cuddalore District - 608 703 ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified mandamus to call for the records pertaining to the impugned order passed by the second respondent in Oo.Mu(Aa4)/1508/2020 dated 21.10.2020 and quash the same and consequently to direct the respondents to issue legal heirship certificate to the petitioner forthwith.

For petitioner ... Mr.M.Balaji
For respondents ... Mr.V.Shanmugasundar
Spl.Govt.Pleader

ORDER

This writ petition has been filed challenging the order dated 21.10.2020 passed by the second respondent rejecting the petitioner's application seeking for issuance of legal heirship certificate for his elder brother Lal Kumar Singh, who died on 30.07.2020 on the ground that the petitioner is not a direct legal heir.

2. It is the case of the petitioner that his father Babu Singh died on 19.06.2014 and thereafter his elder brother Lal Kumar Singh died as a bachelor on 30.07.2020. According to the petitioner, by total non-application of mind, the second respondent has rejected the petitioner's application seeking for issuance of legal heirship certificate for his deceased brother,

Lal Kumar Singh on the ground that the petitioner is not the direct legal heir. In such circumstances, this Writ Petition has been filed.

3. Heard Mr.Balaji, learned counsel for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader appearing on behalf of the respondents.

4. It is now settled law as laid down by various decisions of this Court that the second respondent is having the power to issue the legal heirship certificate to Class-II legal heirs also, after due verification. However, under the impugned order, arbitrarily and by total application of mind, the second respondent has rejected the petitioner's application seeking for issuance of legal heirship certificate for his deceased brother Lal Kumar Singh, who died on 30.07.2020 on the ground that the petitioner is not a direct legal heir.

5. In view of the settled position of law, the impugned order dated 21.10.2020 has to be necessarily quashed and the matter remanded back to the second respondent for fresh consideration in accordance with law.

6. In the result, the impugned order dated 21.10.2020 is hereby quashed and the matter is remanded back to the second respondent for fresh consideration in respect of the application submitted by the petitioner seeking for issuance of legal heirship certificate for his deceased brother Lal Kumar Singh, who died as a bachelor on 30.07.2020 and the second respondent shall pass final orders on merits and in accordance with law, after affording sufficient opportunity to the petitioner and other legal heirs of the deceased Lal Kumar Singh, 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 stands disposed of. No costs. सत्यमेव जयते

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

srn
To

1. The District Collector,
Cuddalore District, Cuddalore.

2. The Tahsildar,
Vridhachalam Taluk,
Cuddalore District.
3. The Village Administrative Officer,
Rajendira Pattinam Village,
Vridhachalam Taluk,
Cuddalore District - 608 703

W.P. No.18689 of 2020

A.SK(17.02.2021) .



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