

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2021

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.Nos.19174 of 2020
and W.M.P.No.23751 of 2020

R.Venkateshwaran

... Petitioner

Vs.

The Tahsildar,
Taluk Office,
Hosur Taluk,
Krishnagiri District

...Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the impugned order dated 19.10.2020 passed in Application No.TN-7202010192566 on the file of the respondent herein, quash the same and consequently direct the respondent herein to issue the legal heirship certificate to the petitioner based on his application No.TN-7202010192566.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : Mr.V.Shanmugasundar,
Spl.Govt.Pleader

ORDER

This Writ Petition has been filed challenging the order dated 19.10.2020 passed by the respondent rejecting the petitioner's application seeking for issuance of legal heirship certificate for his uncle M.H.Rama Rao who died on 08.11.2000 on the ground that the petitioner is a Class-II legal heir.

2. It is the case of the petitioner that his uncle, namely, his father's brother died on 08.11.2000 leaving behind no issues. He would also submit that R.Jayalakshmi, the wife of M.H.Rama Rao also died subsequently on 09.05.2020. According to the petitioner, he and his brother, R.Balaji are the only legal heirs of the deceased M.H.Rama Rao. Since the petitioner's father also died on 29.02.2012, the petitioner applied for legal heirship certificate for his deceased Uncle M.H.Rama Rao with the respondent. However, the same has been rejected under the impugned order dated 19.10.2020 on the only ground that the

petitioner is a Class-II legal heir. Aggrieved by the same, this Writ Petition has been filed.

3. Heard Mr.K.Govi Ganesan, learned counsel for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader appearing for the respondent.

4. It is settled law that even in respect of the Class-II legal heirs, the second respondent is empowered to issue the legal heirship certificate. The petitioner claims that he along with his brother R.Balaji are the only legal heirs of the deceased M.H.Rama Rao, who is his uncle (i.e) his father's brother. According to the petitioner, the deceased died on 08.11.2000 and his wife R.Jayalakshmi also died subsequently on 09.05.2020 leaving behind no issues. The petitioner's father also died on 29.02.2012. By total non-application of mind to the settled position of law that a legal heirship certificate can be issued to Class-II legal heirs also, the impugned order has been passed by the respondent rejecting the petitioner's application on the sole ground that he is a Class-II legal heir. Hence, the impugned order will have to be necessarily quashed and the matter be remanded back to the respondent for fresh consideration on merits and in accordance with law, after hearing all the necessary parties including the petitioner.

5. For the foregoing reasons, the impugned order dated 19.10.2020 passed by the respondent is hereby quashed and the matter is remanded back to the respondent for fresh consideration and the respondent shall consider the petitioner's application seeking for issuance of legal heirship certificate for his deceased uncle M.H.Rama Rao, who died on 08.11.2000 and pass final orders on merits and in accordance with law, after hearing all the necessary parties including the petitioner and his brother, R.Balaji and other legal heirs if any, within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

srn

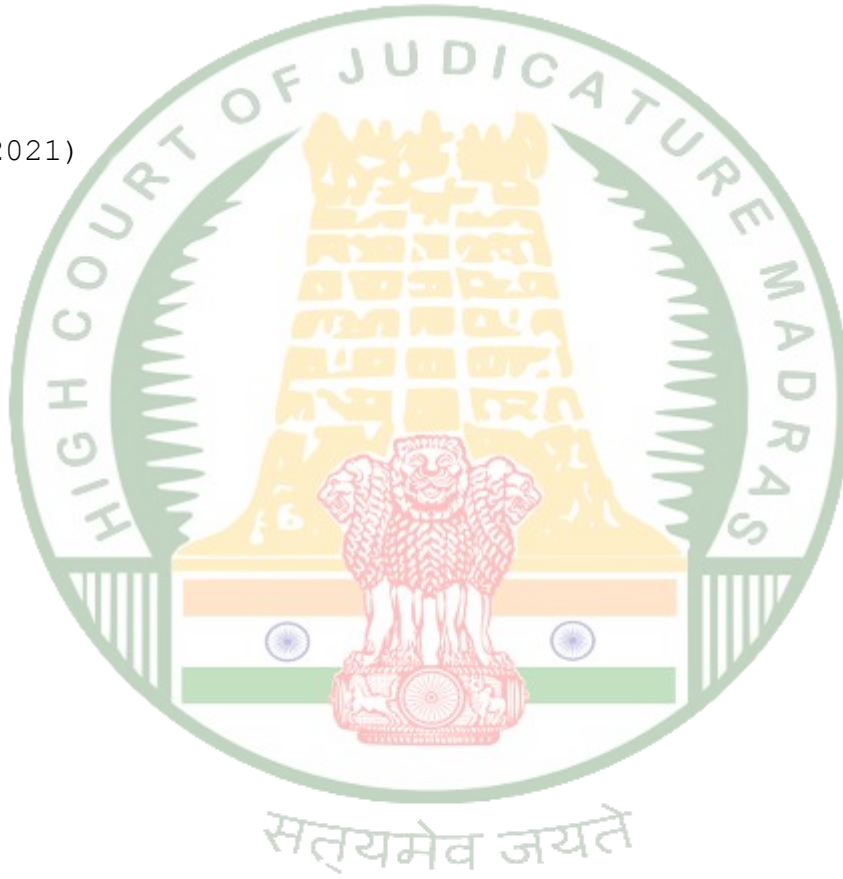
To

The Tahsildar,
Taluk Office,
Hosur Taluk,
Krishnagiri District

+1 CC to Mr.K.Govi Ganesan, Advocate sr 11311.

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MG(CO)
SP(12/03/2021)



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