

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.20404 of 2020

M.Asirvadham ... Petitioner
Vs.

The Tahsildar,
Perambur Tahsildar Office,
Perambur Taluk,
Chennai - 600 011. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a writ of mandamus directing the respondent to conduct an enquiry on the petitioner's application dated 23.11.2020 to issue the legal heirship certificate for the death of his brother M.Anthony on 24.10.2020.

For Petitioner :Mr.P.Krishnan

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

O R D E R

Mr.V.Shanmuga Sundar, learned Special Government Pleader accepts notice for the respondent.

2. This writ petition has been filed for a mandamus seeking for a direction to the respondent to conduct an enquiry on the petitioner's application dated 23.11.2020 seeking for issuance of legal heirship certificate for his deceased brother M.Anthony who died on 24.10.2020 within a time frame to be fixed by this Court.

3. It is the case of the petitioner that his brother M.Anthony died on 24.10.2020 as a Bachelor. According to him, he and his sister are the class-II legal heirs of the deceased M.Anthony. According to him, he submitted an application dated 23.11.2020 to the respondent seeking for issuance of legal heirship certificate for his deceased brother M.Anthony. He has also enclosed all the relevant documents to prove that he is one of the legal heirs of the deceased M.Anthony. However, it is his case that till date, his representation has not been considered by the respondent. In such circumstances, this writ petition has been filed.

petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondent.

5. The relief sought for in this writ petition is an innocuous prayer. The petitioner sought for issuance of legal heirship certificate for his brother M.Anthony who died on 24.10.2020. According to him, he and his sister are the class-II and only legal heirs for his brother M.Anthony who died as a bachelor. He gave a representation to the respondent seeking for issuance of legal heirship certificate for his brother M.Anthony who died on 24.10.2020. The said application has not been considered by the respondent till date. No prejudice will be caused to the respondent, if the application of the petitioner is considered on merits and in accordance with law.

6. For the foregoing reasons, this Court directs the respondent to consider the petitioner's application dated 23.11.2020 seeking for issuance of legal heirship certificate for his brother M.Anthony who died on 24.10.2020 and pass final orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this Order.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

The Tahsildar,
Perambur Tahsildar Office,
Perambur Taluk,
Chennai - 600 011.

+1cc to Mr.P.Krishnan, Advocate SR.No. 659

W.P.No.20404 of 2020

A.SK(25.01.2021)