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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.23936 OF 2021

Usha Nandhini @ Nandhini

... Petitioner

Vs.

The Tahsildar,
Guindy-Mambalam Taluk,
Chennai

... Respondent

Prayer: This Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent to issue the legal heir certificate in favour of the petitioner in respect of death of her mother P.P.chandra Zoya who died on 24.04.2021.

For Petitioner : Mr.V.V.Giridhar

For Respondent : Mr.V.Baranidharan
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondent to issue the legal heir certificate in favour of the petitioner in respect of death of her mother P.P.chandra Zoya who died on 24.04.2021.

2. The case of the petitioner is that the petitioner, who was an abandoned minor child, was under the care and custody of the Malaysian Social services Organization. Thereafter, one P.P.Chandra Zoya had adopted the petitioner legally during the year 1999. The learned Principal Judge, City Civil Court, Chennai was pleased to allow the said adoption OP filed by the petitioners mother dated 16.02.1999. Pursuant to the same, an



adoption deed was registered on 04.03.1999. Based on the adoption deed, birth certificate was issued for the petitioner by mentioning the name of P.P.Chandra Zoya as mother . On 24.04.2021, the petitioner's mother died due to Corona. Thereafter, the petitioner had applied for issuance of legal heir certificate for the death of her mother on 05.08.2021. The said application was rejected by the respondent on the ground that the legal heir certificate cannot be issued in favour of the adoptive child. Challenging the same, the present writ petition has been filed before this Court.

3. The learned counsel for the petitioner submitted that the Malaysian Social Services Organization has filed an adoption OP before the Principal Judge, City Civil Court, Chennai and the said adoption OP was allowed vide order dated 16.02.1999. Further, an adoption deed was also registered dated 04.03.1999. Therefore, the adoption of the petitioner is legal one. hence, there is no legal impediment to the respondent to consider the petitioner's application. This Court may issue a direction to the respondent to consider the petitioner's application within the stipulated time as fixed by this Court.

4. The learned Government Advocate submitted that as per the instructions dated 08.07.2019 from the Government, if adoption is legal, the child is entitled to get all the rights. Hence, there is no legal impediment to the respondent to consider the petitioner's application.

5. Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondent.

6. Taking into consideration the facts and circumstances of the case and also of the fact that the Malaysian Social Services Organization has filed an adoption OP before the Principal Judge, City Civil Court, Chennai and the said OP was allowed and adoption deed was also executed between the petitioner and her mother, there shall be a direction to the respondent to consider the application made by the petitioner dated 05.08.2021 and pass an appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order. The petitioner is directed to submit a fresh application to the respondent along with all the relevant documents and also a copy of this order.



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

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

rli

To

The Tahsildar,
Guindy-Mambalam Taluk,
Chennai.

+1cc to Mr.V.V.Giridhar, Advocate, S.R.No.57426

+1cc to the Government Pleader, S.R.No.57900

W.P.No.23936 of 2021

PL(CO)
RLP(03/01/2022)