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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25426 of 2021

M.Natraj Sivam

... Petitioner

Vs.

The State rep.by its
Tahsildar,
Krishnagiri Taluk and District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to Call for the records on the file of the Respondent made in Certificate No. TN-7201905281076 dated 3.6.2019 and quash the same and consequently direct the Respondnet to issue a fresh new legal heir certificate for his deceased parents namely Mrs. Manickammal (mother) and Mr. Muthusamy (father) including all the sons and daughters names.

For Petitioner : Mr.Selvi George

For Respondents : No appearance

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to Call for the records on the file of the Respondent made in Certificate No. TN-7201905281076 dated 3.6.2019 and quash the same and consequently direct the Respondent to issue a fresh new legal heir certificate for his deceased parents namely Mrs. Manickammal (mother) and Mr. Muthusamy (father) including all the sons and daughters names.

2. The case of the petitioner is that the petitioner was born to Muthusamy and Manickkammal and there are 6 children for the parents of the petitioner. The petitioner and their siblings are the only legal heirs for the petitioner's parents and the parents are also owned immovable properties. After death of his paternal grand father Karupannan @ Munusamy, the legal heir certificate was issued by the Thasildar, which contains the names of all the legal heirs, in which the petitioner's name



also appeared. However, after the death of this father, his siblings have applied for a legal heir certificate without including the name of the petitioner and the concerned Thasildar has issued a legal heir certificate dated 03.06.2019 without including his name. Therefore, the petitioner is before this Court by way of this Writ Petition to quash the said legal heir certificate.

3. The learned counsel appearing for the petitioner submitted that the respondent had issued the said certificate without conducting any proper enquiry and further his siblings have deliberately omitted the name of the petitioner. Admittedly there was no partition of the immovable properties as on date, however his brothers and sisters are trying to sell the immovable properties without giving any share to the petitioner. Therefore, the issuance of legal heir certificate is non est in the eye of law and hence prays for quashment of the said legal heir certificate.

4. Since the appearance of the respondent is not necessary in the present case, notice to the respondent is dispensed with and this Court is inclined to dispose of the matter with the available materials,

5. This Court is of the opinion that though the petitioner claims that he is also one of the legal heirs of one Muthusamy, in order to substantiate the said claim, he does not produce any documents before this Court. In the absence of any such documents, this Court could not interfere with the issuance of legal heir certificate. However liberty is granted to the petitioner to file appropriate application before the competent authority along with all relevant documents to prove that he is one of the legal heirs of the said Muthusamy. If any such application is filed, the competent authority shall consider the same as expeditiously as possible in accordance with law.

6. This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

The Tahsildar,
Krishnagiri Taluk and District.

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+1cc to Mr.Selvi George, Advocate, S.R.No.64277

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KSM(CO)
CT 08/02/2022