



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 06.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD)No.11115 of 2021
(Through Video Conferencing)

R.Salai Adimangai

... Petitioner

Vs.

The Tahsildar
Vilathupatti - Kilakurichi
Pudukottai District
Tamilnadu

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondent to conduct an enquiry and issue legal heir certificate in favour of the petitioner as Class-II legal heir of late Kamala Kannan as per the application of the petitioner dated 02.06.2021.

For Petitioner :Mr.A.Rahul

For Respondents :Mr.R.Sureshkumar
Government Advocate

ORDER

The present writ petition has been filed for the issue of a writ of mandamus directing the respondent to issue legal heirship certificate in favour of the petitioner, who is claiming to be a Class II legal heir of Late.Kamalakannan.

2. The case of the petitioner is that one Kamalakannan is her uncle, i.e., petitioner's father's brother. The further case of the petitioner is that her uncle died on 05.04.2018 and his wife predeceased him on 01.06.2016. According to the petitioner, he only brought up the petitioner like his daughter and looked after her till his demise. It is stated that there is no other legal heir for the said Kamalakannan.

3. The petitioner therefore made an application before the respondent seeking for legal heirship certificate on the ground that the petitioner is the Class-II heir of Late.Kamalakannan. The grievance of the petitioner is that the application made by the petitioner was not considered by the respondent on the ground that



such a certificate can be given only for a Class-I heir. Left with no other alternative, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent.

5. This Court has repeatedly held that the respondent cannot deny the legal heirship certificate, just because the person claiming is only a Class-II legal heir. This Court has held that the revenue authorities must issue legal heirship certificate, whether a person falls under Class-I or Class-II and they cannot confine such issuance of legal heirship certificate only to Class-I legal heirs.

6. In the present case, the petitioner falls within entry IV of the Schedule under Clause II Legal heir under the Hindu Succession Act 1956. According to the petitioner, there is no other legal heir left behind by her uncle.

7. In view of the above, there shall be a direction to the respondent to consider the application made by the petitioner dated 02.06.2021 and conduct an enquiry and if it is found that there is no other legal heir, the necessary legal heirship certificate shall be issued in favour of the petitioner. This exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

8. The petitioner is directed to make a fresh representation to the respondent along with all the relevant documents and also a copy of this order.

9. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To
The Tahsildar
Vilathupatti - Kilakurichi
Pudukottai District
Tamilnadu

+1 CC to M/s.SPL GP (SR-21492[F] dated 07/07/2021)

+1 CC to M/s.K.R.KRISHNAN, Advocate (SR-21574[F] dated 07/07/2021)

W.P. (MD) No.11115 of 2021
06.07.2021

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RD (14.07.2021) 3P 4C