



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD).Nos.16603 of 2021

Panjavarnam

... Petitioner

Vs.

The Tahsildar,
Tahsildar Office,
Sivagangai Taluk,
Sivagangai District-630561.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to issue a legal heir certificate of the petitioner's deceased paternal grandfather namely Vempadayan died on 12.09.1983, based on the petitioner's representation on 04.09.2021, within stipulated time fixed by this Court.

For Petitioner	: Mr.R.Senthil Kumar
For Respondent	: Mr.K.S.Selvaganesan Counsel for State

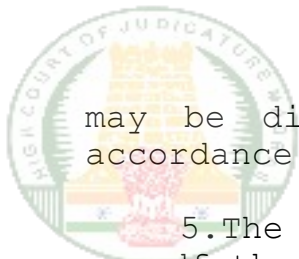
ORDER

The petitioner seeks a direction for issuance of a legal heir certificate of his paternal grandfather, namely, Vempadayan.

2.The petitioner states that his paternal grandfather died on 12.09.1983. The death certificate of his paternal grandfather is cited in support thereof. The petitioner asserts that his paternal grandfather left behind two legal heirs, namely, his wife, Erulayee, and his son, Azhaku. The petitioner's grandmother, Erulayee, died in 1983 and the petitioner's father, Azhaku, died on 14.04.2013. The petitioner cites the relevant death certificate of his father in such regard.

3.The petitioner states that his deceased paternal grandfather owned land in Sullankudi Village group Survey No.31/3, of an extent of 0.4.5 ares and another property bearing Survey No.40/2, of an extent of 0.19.00 ares in Manamadurai Taluk, Sivagangai District. Therefore, it is stated that the Legal Heirship Certificate is required. The petitioner applied for such Legal Heirship Certificate by approaching the relevant revenue officials. The present writ petition is filed on account of the failure to take action in response to such request.

4.Mr.Selva Ganesan, learned counsel for the State, accepts notice on behalf of the respondent. He submits that the respondent



may be directed to conduct an inquiry and take a decision in accordance with law in respect of the petitioner's representation.

5.The petitioner has produced the death certificate of his grandfather and the death certificate and Legal Heirship Certificate of his father. Except for the assertion in paragraph 3 of the affidavit to the effect that the petitioner's grandfather had only two legal heirs, there is no documentary evidence to establish that the petitioner's paternal grandfather had only 2 class I legal heirs. This is an aspect which should be examined by the Tahsildar in course of inquiry. If there are no class I legal heirs, a request for issuance of Legal Heirship Certificate to a class II legal heir may be considered by taking into account Section 8 and the entries prescribed in such regard in the schedule of the Hindu Succession Act,1956.

6.Subject to the above observations, W.P.(MD).No.16603 of 2021 is disposed of by directing the respondent to consider the petitioner's representation dated 14.09.2021, conduct an inquiry in relation thereto by taking into account the observations contained in this order. Such inquiry shall be concluded within a period of three months from the date of receipt of a copy of this order. Upon conclusion thereof, either the Legal Heirship Certificate should be issued or a reasoned communication should be issued indicating the reasons for refusing to issue such Legal Heirship Certificate. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/sji

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.

To

The Tahsildar,
Tahsildar Office,Sivagangai Taluk,
Sivagangai District-630561.

+1 CC to M/s.SPL. GP (SR-29469[F] dated 17/09/2021)

W.P(MD).No.16603 of 2021

16.09.2021

RD(27.09.2021) 2P 3C

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