



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.17421 of 2021

C.Chinnaiah

... Petitioner

Vs.

The Tahsildar,
Thirumayam Tahsildar Office,
Pudukottai District.

... 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 the Legal Hair Certificate of deceased brother Periyasamy as per representation dated 24.08.2021 by the petitioner.

For Petitioner : Mr.S.Asaithambi
For Respondent : Mr.K.S.Selva Ganesan
Counsel for State

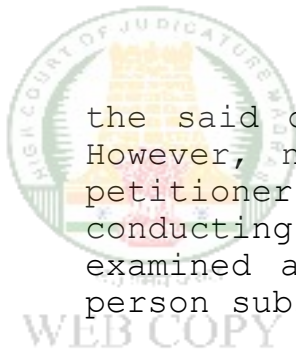
ORDER

The petitioner seeks a direction to the respondent for issuance of a legal heir certificate to the petitioner in relation to his deceased brother, Periyasamy.

2.The petitioner states that Periyasamy was his elder brother and that the two of them were the only children of Chinnaiah Velar and Pushpam. The petitioner relies upon the death certificate of Periyasamy and the legal heir certificate of his father to contend that he is the sole legal heir of his deceased brother. In support of this contention, the death certificate of his father and mother are also enclosed.

3.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of the sole respondent. He submits that the petitioner has referred to one Litheesh and one Pandimeenal in the affidavit filed in support of the writ petition. Therefore, the said persons should be examined in course of inquiry before a decision is taken on the petitioner's application.

4.From the legal heir certificate of the petitioner's father, Chinnaiah Velar, it appears that Periyasamy and Chinniah were the sole surviving legal heirs on the date of death of the petitioner's father. The death certificate of Periyasamy has been enclosed and the said death certificate indicates that he died on 29.12.2020. In addition, the petitioner has enclosed the death certificate of Alagammal, who is said to be the petitioner's sister-in-law, and



the said death certificate indicates that she died on 16.08.2019. However, no definitive conclusion can be drawn as to whether the petitioner's brother and sister-in-law had children or not without conducting an inquiry in such regard. In addition, it should be examined as to whether the petitioner's brother married any other person subsequent to the death of Alagammal.

5. Accordingly, subject to the observations set out above but without entering any findings on the merits of the matter, the respondent is directed to consider the petitioner's request for a legal heir certificate, conduct an inquiry with regard to the above by taking into account the observations set out above and either issue a legal heir certificate as requested or issue a reasoned order indicating the reasons for refusing to issue such legal heir certificate. In any event, the entire process shall be concluded within a period of three (3) months from the date of receipt of a copy of this order.

6. W.P. (MD) No. 17421 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

sjj

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,
Thirumayam Tahsildar Office,
Pudukottai District.

+1 CC to M/s.S.ASAITHAMBI, Advocate (SR-30750[F] dated 30/09/2021)

+1 CC to M/s.SPL.GP (SR-30659[F] dated 29/09/2021)

W.P (MD) .No.17421 of 2021
28.09.2021

NSN (CO)

RS (07.10.2021) 2P 4C

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