



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2021

CORAM:

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.19602 of 2021

1.S.Chandra
2.S.Manokaran
3.S.Prabhakaran
4.G.Saratha

.. Petitioners

-vs-

1.The District Collector,
Madurai District, Madurai-20.

2.The Revenue Divisional Officer,
Madurai District, Madurai-20.

3.The Tahsildar,
Madurai West Taluk,
Madurai-625 019.

4.The Registrar,
Madurai Kamaraj University,
Nagamalaipudukottai,
Madurai-625 019.

.. Respondents

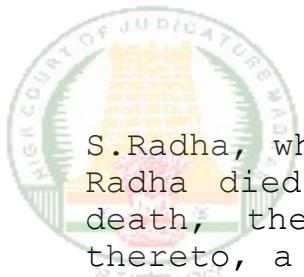
Prayer :- Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st to 3rd respondents to issue Legal heir Certificate of deceased S.Radha to the petitioners and by considering the representation dated 20.09.2021.

For Petitioners	:	Mr.Jeyaram.A
For RR1 to 3	:	Mr.P.Subbaraj, or Government of Tamil Nadu
For R4	:	M/s.Isaac Chambers

ORDER

The petitioners seek consideration of a representation dated 20.09.2021 for the issuance of a legal heir certificate in respect of the deceased brother of the petitioners.

2.The petitioners state that they are the siblings of one
<https://hcservices.ecourts.gov.in/hcservices/>



S.Radha, who died on 28.07.2021. The petitioners state that the said Radha died unmarried and without children. Consequently, upon his death, the petitioners obtained the death certificate. Pursuant thereto, a representation dated 20.09.2021 was made to the Tahsildar seeking the issuance of legal heirship certificate. The present writ petition is filed in view of the alleged failure of the Tahsildar to take action on the petitioners' representation.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 3 and M/s.Isaac Chambers, accepts notice on behalf of the fourth respondent.

4.The petitioners have enclosed the death certificate of their father Sundaram. The legal heirship certificate of the petitioners' father is also enclosed. The said certificate indicates that his wife and children are the legal heirs. The death certificate of the petitioners' brother Radha indicates that he died on 28.07.2021. Based on these documents, the petitioners are entitled to a consideration of the representation seeking a legal heirship certificate.

5.In course of inquiry, the third respondent should examine whether the deceased Radha died unmarried and without children. For purposes of such inquiry, notice should be issued to the mother of the deceased and to all the siblings of the deceased Radha. As per Section 8 of the Hindu Succession Act, 1956, the mother of the deceased also qualifies as a class I legal heir. This aspect should be taken note of by the Tahsildar in course of inquiry.

6.Subject to the above observations, W.P.(MD) No.19602 of 2021 is disposed of by directing the third respondent to consider the petitioners' representation dated 20.09.2021 seeking issuance of a legal heirship certificate and dispose of the same by a reasoned order, after conducting an inquiry in such regard. The reasoned order should be issued within a period of three months from the date of receipt of a copy of this order. A reasonable opportunity shall be provided to all the petitioners and the mother of the deceased Radha in course of such inquiry. However, there shall be no order as to costs.

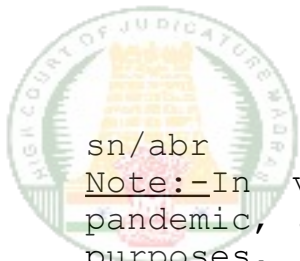
Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



sn/abr

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

- 1.The District Collector,
Madurai District, Madurai-20.
- 2.The Revenue Divisional Officer,
Madurai District, Madurai-20.
- 3.The Tahsildar,
Madurai West Taluk,
Madurai-625 019.

+1 CC to M/s.SPL.GP (SR-33689[F] dated 08/11/2021)

+1 CC to M/s.A.JEYARAM, Advocate (SR-33595[F] dated 02/11/2021)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-33721[F] dated 08/11/2021)

W.P. (MD)No.19602 of 2021

Dated: 02.11.2021

MA (CO)

KB (23.11.2021) 3P 7C