



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No. 1443 of 2022

B.L.Vimala

... Petitioner

Vs.

The Thasildar
Sholinganallur Taluk
Chengalpattu District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned proceedings of the respondent in Na.Ka.No. 4344/2021/Aa1 dated 01/2022, signed on 05.01.2022 and quash the same and further issue necessary direction, directing the respondent to issue Legal Heir Certificate of the deceased Balthasar, by adding the name of the petitioner as his Legal Heir.

For Petitioner : Mr. A.Prabhakaran

For Respondent : Mr. V.Manoharan
Additional Government Pleader

O R D E R

The order impugned dated 05.01.2022 passed by the Thasildar, Sholinganallur, is under challenged in the present Writ Petition.

2. The petitioner states that Mr. Lilli Mary and deceased Mr.Balthasar are her adoptive parents and they are taken the petitioner by way of adoption on 26.12.2001 from OLF Hospital at Porumamilla, Kadappa District, Andhra Pradesh. The petitioner states that he has been taken care by her parents and there was no issued born out of their wedlock. However, the petitioner contends that there is no need for execution of adoption deed and it was not executed. The date of birth of the petitioner is 05.09.2001 and she has completed Higher Secondary course during the academic year 2019. In all her school certificates, the name of her father is clearly referred as Balthasar. Therefore, no adoption deed is required for the purpose of issuance of legal heir certificate. The petitioner submitted an application and thereafter, filed W.P.No. 21165 of 2021.



3. This Court passed an order directing the authorities to consider the representation. Accordingly, the Thasildar conducted an enquiry and formed an opinion that as per the circular issued by the Commissioner of Revenue Administration "in case of issue of legal heir certificate to a adopted child, the Thasildar should issue legal heir certificate and that he as produced the valid adoption deed duly registered as per the Adoption and Maintenance Act 1956".

4. Relying on the said circular issued by the Commissioner, Revenue Administration, the Thasildar, examined the documents furnished by the petitioner and found that the petitioner has not produced any such valid adoption but for the purpose to consider the application, to issue legal heir certificate and accordingly, it was rejected.

5. Admittedly, the petitioner claims herself as an adopted daughter. Therefore, in the absence of any valid adoption deed, the Thasildar would not be in a position to issue legal heir certificate. In respect of such dispute, the petitioner is at liberty to approach the competent Court of law for the purpose of resolving the issues.

6. Contrarily, the Thasildar cannot adjudicate such disputes in the absence of any valid documents. Under these circumstances, the petitioner is at liberty to approach the competent Civil Court of law for the purpose of resolving the issues in the manner known to law.

7. As far as the impugned order is concerned, this Court do not find any infirmity as such in view of the fact that the petitioner has admittedly not produced any valid adoption deed for the purpose of issuance of legal heir certificate by the Thasildar. Accordingly, this Writ Petition stand dismissed. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

Vsg

To

The Thasildar,
Sholinganallur Taluk, Chengalpattu District.

+1cc to Mr.A.Prabhakaran, Advocate SR. No.6312

+1cc to Government Pleader SR. No.7300

W.P.No. 1443 of 2022