



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.11270 of 2021

D.Chandra

... Petitioner

vs.

The Tahsildar,
Aminjikarai Taluk Office,
Gajalakshmi Colony,
1st Street, Shenoy Nagar,
Chennai - 600 030

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the respondent to issue legal heir certificate of D.Dhanapal who died on 25.11.2017 and who last resided at No.2066, First Cross Street, Vasantham Colony, Anna Nagar, Chennai - 600 040 on the application dated 05.03.2021 filed by the petitioner before the Respondent along with the relevant documents after making due enquires in accordance with law within a time frame to be fixed by this Court.

For Petitioner : Mrs.Nalini Chidambaram,
Senior Counsel
for Mrs.Uma

For Respondent : Mr.SJ.Mohammed Sathik,
Government Advocate

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondent to issue legal heirship certificate for D.Dhanapal who died on 25.11.2017 based on the application submitted by the petitioner on 05.03.2021 within a time frame to be fixed by this Court.

2. Heard Mrs.Nalini Chidambaram, learned senior counsel representing Mrs.Uma, learned counsel for the petitioner and



Mr.SJ.Mohammed Sathik, learned Government Advocate appearing for the respondent.

3. The petitioner who is the sister of the deceased D.Dhanapal died as a bachelor on 25.11.2017 and she is one of the class II legal heir of the deceased D.Dhanapal.

4. It is settled law as held by the various decisions of this Court that there is no prohibition for issuance of legal heirship certificate for class-II legal heirs also.

5. The petitioner has submitted an application dated 05.03.2021 seeking for issuance of legal heirship certificate for her deceased brother D.Dhanapal who died as a bachelor on 25.11.2017. The petitioner has filed the death certificate of D.Dhanapal and other documents along with this writ petition and it is for the respondent to consider the same on merits and in accordance with law, while considering the application seeking for issuance of legal heirship certificate.

6. No prejudice would be caused to the respondent, if the petitioner's application is considered on merits and in accordance with law after affording a fair hearing to the petitioner and other persons whom the respondent deems fit to enquire. Admittedly, the petitioner's application dated 05.03.2021 seeking for issuance of legal heirship certificate is still kept pending by the respondent.

7. For the foregoing reasons, this Court directs the respondent to consider the petitioner's application dated 05.03.2021 seeking for issuance of legal heirship certificate for her deceased brother D.Dhanapal who died as a bachelor on 25.11.2017 and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and any other necessary party whom the respondent deems fit to enquire including granting them the right of personal hearing within a period of twelve weeks from the date of receipt of a copy of this Order.

8. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

The Tahsildar,
Aminjikarai Taluk Office,
Gajalakshmi Colony,
1st Street, Shenoy Nagar,
Chennai - 600 030.

+lcc to M/s.C.Uma, Advocate SR. No. 33803
+lcc to Government Pleader SR. No. 34563

W.P.No.11270 of 2021

PMK (CO)
PR (17/06/2022)