



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.11018 of 2022

C.B.Giriraj

...Petitioner

Vs.

The Tahsildar,
Taluk Office (Mylapore),
No.28, Ponmuthuramalingam Salai,
Raja Annamalaipuram,
Chennai - 28.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of a writ of Mandamus, directing the respondent/Tahsildar to consider and pass orders on petitioner's representation dated 18.02.2020, seeking issuance of legal heir certificate to him as a legal heir to his deceased sister C.B.Girija.

For Petitioner : Mr.P.Selvaraj

For Respondent : Mr.S.J. Mohamed Sathik,
Government Advocate

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed for a Mandamus seeking for a direction to the respondent to issue Legal Heirship Certificate for the deceased based on the petitioner's representation dated 18.02.2020.

3. The petitioner is the brother of the deceased and he claims that he is the only legal heir. He has applied for Legal Heirship Certificate on 18.02.2020. Since the application has been still kept pending, he has filed this writ petition.

4. Heard Mr.P.Selvaraj, learned counsel for the petitioner and Mr.S.J. Mohamed Sathik, learned Government Advocate, accepts notice on behalf of the respondents.



5. Mr.Mohamed Sathik, learned Government Advocate for the respondent at the outset would submit that with regard to the issuance of Legal Heirship Certificate to a Class-II Legal Heir, there were conflicting decisions rendered by two Division Benches and therefore a learned Single Judge of this Court by its order dated 19.01.2022 in a batch of writ petitions has directed the Registry to place the matters before the Hon'ble Chief Justice for referring the issue to a Larger Bench for authoritative pronouncement. Till date, a Larger Bench has not been constituted.

6. No prejudice would be caused to the respondent, if the petitioner's representation seeking for issuance of Legal Heirship Certificate for the deceased C.B.Girija is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary party, whom the respondent deems fit to enquire. While passing final orders, the respondent shall also take into consideration, the decisions rendered by this Court, which has been referred to by the learned Government Advocate appearing for the respondent.

7. For the foregoing reasons, this Court directs the respondent to pass final orders on the petitioner's representation dated 18.02.2020 seeking for issuance of Legal Heirship Certificate for his deceased Sister C.B.Girija, within a period of twelve weeks from the date of receipt of a copy of this order after affording a fair hearing to the petitioner and any other necessary party, whom the respondent deems fit to enquire.

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

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

vsi2

To

The Tahsildar,
Taluk Office (Mylapore),
No.28, Ponmuthuramalingam Salai,
Raja Annamalaipuram, Chennai - 28.

+1cc to Mr.P.Selvaraj, Advocate Sr.No.32122
+1cc to the Government Pleader Sr.No.33083

W.P.No.11018 of 2022

MT(CO)

RVM(13/06/2022)