

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.16214 OF 2022
AND W.M.P.NO.15579 OF 2022

M.Thangaraj

.. Petitioner

Vs.

1. The Tahsildar,
Kundrathur Taluk Office,
233, Kundrathur Main Road,
Subramaniyan Nagar, Thandalam,
Chennai - 600 069.

2. The Tahsildar,
Taluk Office,
At Tambaram,
Chennai - 600 045.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, to direct 2nd respondent to issue a No Objection Certificate in favour of the petitioner and as a consequential relief directing 1st respondent to issue a legal heir certificate in favour of the petitioner.

For Petitioner : Mr.T.Ramachandran

For Respondents: Mr.S.J.Md.Sadiq

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the second respondent to issue a No Objection Certificate in favour of the petitioner and as a consequential relief, direct the first respondent to issue a legal heir certificate for Andal, the petitioner's mother who died on

23.09.2020, at No.1/5, Avvaiyar Street, Ramakrishnapuram, East Tambaram, Chennai - 600 059.

2. According to the petitioner, since his mother Andal died on 23.09.2020 at the aforementioned address which falls within the jurisdiction of the second respondent, he has to obtain a No Objection Certificate from the second respondent, to enable him to get a legal heirship certificate for his deceased mother from the first respondent within whose jurisdiction, the petitioner is permanently residing. In such circumstances, he has given a representation to the second respondent along with necessary documents seeking for No Objection Certificate. Since the same has not been considered till date, he has filed this Writ Petition.

3. Heard Mr.T.Ramachandran, learned counsel appearing for the petitioner and Mr.S.J. Md. Sadiq, learned Government Advocate accepts notice on behalf of the respondents.

4. On instructions, the learned Government Advocate appearing for the respondents would submit that without insisting for a No Objection Certificate from the second respondent within whose jurisdiction the petitioner's mother died, the first respondent will consider the petitioner's application seeking for issuance of legal heirship certificate for his deceased mother Andal who died on 23.09.2020. The said statement is recorded.

5. The petitioner has submitted his online application seeking for issuance of legal heirship certificate for his deceased mother with the second respondent on 19.11.2020.

6. Since the learned Government Advocate has submitted on instructions that the first respondent will consider the petitioner's application seeking for issuance of legal heirship certificate on merits and in accordance with law without insisting for No Objection Certificate from the second respondent, a direction can be issued by this Court to the first respondent who will pass final orders in the petitioner's application within a time frame to be fixed by this Court, after affording a fair hearing to the petitioner including, granting him the right of personal hearing.

7. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's online application dated 19.11.2020 seeking for issuance of legal heirship certificate for his deceased mother Andal who died on 23.09.2020, within a period of twelve (12) weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner and other legal heirs of the deceased

if any, including, granting them the right of personal hearing.

8. With the aforesaid directions, this Writ Petition is disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Tahsildar,
Kundrathur Taluk Office,
233, Kundrathur Main Road,
Subramaniyan Nagar, Thandalam,
Chennai - 600 069.

2. The Tahsildar,
Taluk Office,
At Tambaram,
Chennai - 600 045.

+1cc to Mr.T.Ramachandran, Advocate, S.R.No.40514
+1cc to the Government Pleader, S.R.No.42326

W.P.No.16214 of 2022

BR(CO)
PM/22/07/2022