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W.P.No.21499 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.21499 of 2022

M.D.Jayakumar

..Petitioner

Vs.

1.The District Revenue Officer,
Office of the District Collector,
Chennai District – 600 001.

2.The Tahsildar,
Office of the Tahsildar,
Perambur, Chennai – 600 011.

3.G.Thilagavathy

4.D.Malathi

5.B.Chitra

6.G.Shanthi @ Gouselya

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records in respect of the legal heir certificate CAN.No.133020318696029 in Application No.TN-7202206071834 and service charge Acknowledgement



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Receipt Rs.60 dated 07.06.2022, issued by the 2nd respondent, quash the same and consequently, direct the 2nd respondent to issue the legal heir certificate based on the petitioner application dated 07.06.2022.

For Petitioner : Mr.B.Chandran

For Respondents : Mr.M.Muthusamy,

Government Advocate for R1 and R2

R3 to R6 – insufficient address

ORDER

The petitioner is aggrieved by the rejection of his on-line application for grant of legal heirship certificate.

2. Claiming that his mother Maragatham died on 07.06.2012, the petitioner sought for issuance of legal heirship certificate. He had given the details of his siblings in the affidavit filed in support of the application. In support of his claim he has also produced the Voter ID Cards issued by the Election Commission of India, to his sisters.

3. The Tahsildar has rejected the claim on the ground that since there is a dispute between the applicant and his sisters enquiry could not be



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conducted. Such rejection is un-known to law. The guidelines issued by the Government in G.O.Ms.No.478 dated 29.09.2022 provides that application must be accompanied by any one of the following documents for proof of residence:

- i)Aadhar Card;
- ii)Voter ID Card;
- iii)Passport or Bank Pass Book/ Postal Savings Book;
- iv)Driving License ;
- v)Pension Payment Order ;
- vi)Any other similar documents.

4. In so far as the proof of relationship is concerned, any one of the following documents are required to be submitted:

- 1.Marriage Registration Certificate; or
- 2.Passport; or
- 3.Voter ID; or
- 4.Aadhaar Card; or
- 5.Community Certificate; or
- 6.Driving license; or
- 7.Birth Certificate of all children; or T.C. Of all children;
- 8.Any other similar document.



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5. In the case on hand, the petitioner has submitted the Voter ID Cards. Existence of dispute between the heirs does not really affect their status. The petitioner also produced a registered Will executed by his mother which also shows that he has four sisters.

6. In view of the above, I find that the rejection is un-just. Therefore, the order of rejection is set aside. The Tahsildar will conduct proper enquiry and issue legal heirship certificate within a period of six weeks from the date of receipt of a copy of the order.

7. Accordingly, this writ petition is disposed of. No costs.

05.12.2022

dsa
Index : No
Internet : Yes
Speaking order



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To

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R.SUBRAMANIAN, J.

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