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W.P.No.26970 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE **R.SURESH KUMAR**

W.P.No.26970 of 2022

and

W.M.P.Nos.26184 & 26185 of 2022

Sirtaj Begum

... Petitioner

-Vs-

The Tahsildar,
Mylapore Taluk Office,
Chennai – 600 004.

... Respondent

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Oo.Mu.No.A2/2374/2022, dated 13.09.2022 passed by the respondent and quash the same as illegal and consequentially direct the respondent to issue legal heirship certificate of the deceased Mir Ali Jaffer, on the basis of the representation of the petitioner dated 30.07.2022.

For Petitioner : Mr.Ali Hassan Khan
For Respondent : Mr.T.K.Saravanan,
Government Advocate

ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in



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Oo.Mu.No.A2/2374/2022, dated 13.09.2022 passed by the respondent and quash the same as illegal and consequentially direct the respondent to issue legal heirship certificate of the deceased Mir Ali Jaffer, on the basis of the representation of the petitioner dated 30.07.2022.

2.The petitioner, for the death of her brother one Mir Ali Jaffer, S/o.Mir Baqur Hussain, who died on 20.02.2005 had made an application to get second class legal heir certificate to the respondent.

3.The said request of the petitioner having been considered was rejected or turned down by the order of the respondent dated 13.09.2022 on the ground that such kind of second class legal heir certificate cannot be granted by the Revenue Authorities. Therefore, on that ground, it was rejected by the respondent. Challenging the said order, the present writ petition has been filed.

4.Heard Mr.Ali Hassan Khan, learned counsel appearing for the petitioner and Mr.T.K.Saravanan, learned Government Advocate appearing for the respondent.



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5.The learned Government Advocate appearing for the respondent pointed out that prior to issuance of G.O.(Ms).No.478, Revenue and Disaster Management Department, dated 29.09.2022, the issuance of second class legal heir certificate was not under the domain of the Revenue people like the respondent Tahsildar. Therefore, on that ground, the plea of the petitioner has been rejected through the impugned order, of course correctly.

6.However, subsequently, the Government had come forward to issue a Government Order in G.O.(Ms).No.478, Revenue and Disaster Management Department dated 29.09.2022, under which, mandatory guidelines has been given as to how these legal heir certificate applications have to be made and if it is made, how it has to be dealt with by the Revenue Authorities.

7.Therefore, if at all the petitioner has got any grievance with regard to the respondent for not considering the application of the petitioner for grant of second class legal heir certificate, that issue can be re-agitated by making a fresh application through online to the respondent and after such an application is filed with documents making such a claim from the respondent that would be considered and decided on merits and in accordance with law especially in view of the mandatory guidelines issued by the Government in the government order referred above.



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8. Considering the said submissions made by the learned Government Advocate and having recorded the aforesaid, this Court is inclined to dispose of this Writ Petition with the following order :

(i) That it is open to the petitioner to make an online application to the respondent seeking for second class legal heir certificate by giving all particulars to establish that the petitioner is entitled to have the second class legal heir certificate for her brother, namely one Mir Ali Jaffer died on 20.02.2005.

(ii) If such an application is filed through online by the petitioner, the same shall be considered by the respondent and orders to that effect on merits shall be passed after enquiring the other legal heirs, if any available to the deceased person as well as the petitioner and accordingly, take a decision and communicate the same to the petitioner thereafter within a period of six weeks.



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WEB COPY 9. With these directions, the Writ Petition is disposed of. No costs.

Consequently, the connected miscellaneous petitions are closed.

09.11.2022

Index: Yes/No

Internet: Yes/No

Speaking order/Non-speaking order

sp/drm

To

The Tahsildar,
Mylapore Taluk Office,
Chennai – 600 004.



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R.SURESH KUMAR.J..

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