



W.P.No.31017 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.31017 of 2022 and
W.M.P.No.30558 of 2022

Maragatham

... Petitioner

Vs

The Tahsildar,
Ambattur Taluk,
Chennai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records connected with the order dated Nil of the respondent Application No.TN-720220929857 dated 29.09.2022 and quash the same and consequently direct the respondent to issue legal heir certificate of deceased Arumugam.

For Petitioner : Mr.R.Prasadh

For Respondent : Mr.N.Naveenkumar
Government Advocate

ORDER

The prayer sought for in this writ petition is for a Writ of Certiorarified Mandamus calling for the records connected with the order dated Nil of the respondent Application No.TN-720220929857 dated 29.09.2022 and quash the same and consequently direct the respondent to



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issue legal heir certificate of deceased Arumugam.

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2. The petitioner's husband one Arumugam was residing at Ambattur area which comes under the jurisdiction of the respondent and he died on 17.08.2021. After the demise of the husband of the petitioner, the petitioner has shifted her family to Urapakkam where she started residing at No.28, Thiruvalluvar Street, Urapakkam, Chennai. Till the last breath the petitioner's husband was residing at Ambattur at No.23, Mariyamman Kovil Street, Kalyanapuram, Ambattur, Chennai.

3. However the application submitted by the petitioner having been processed was rejected by the respondent by order dated 29.09.2022 stating that, since the petitioner's residential address is not within the jurisdiction of the respondent. Therefore, the respondent refused to entertain the petition for consideration of grant of legal heir certificate to the petitioner for the demise of the her husband. Challenging the same, the present writ petition has been filed.

4. Heard Mr.R.Prasadh, learned counsel appearing for the petitioner



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who having reiterated the aforesaid would further submit that, at the time of death even till the last breath the petitioner's husband was resided only in Ambattur address and only after his demise, the family of the petitioner has been shifted to the present address, therefore the present address cannot be taken as if the jurisdiction for the purpose of considering a request for grant of legal heir certificate to the deceased husband of the petitioner one late Arumugam. Therefore, the impugned order is infirm and unjustifiable, hence it is liable to be interfered with, he contended.

5. Heard Mr.N.Naveenkumar, learned Government Advocate appearing for the respondent who on the other hand would submit that, the respondent might have considered the present address of the petitioner which admittedly is outside the jurisdiction of the 2nd respondent and therefore, on that ground it was rejected through the impugned communication. However, if the deceased person resided till his last breath only in the said address which comes under the jurisdiction of the respondent, the issue would be revisited and reconsidered for which once again an online application may be submitted by the petitioner as per the provisions of the G.O.(Ms).No.478 Revenue & Disaster Management [RA-



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3(2)] Department dated 29.09.2022, thereafter it would be considered and decided on merits, he contended.

6. Considering the said submissions made by the learned counsel for both sides including the stand taken by the respondent through the learned Government Advocate, this Court is inclined to dispose of this writ petition with the following orders:

(i) That the impugned communication dated 29.09.2022 for the discussion herein above made is liable to be rejected and accordingly the same is set aside and the matter is remitted back to the respondent for reconsideration and in this regard, it is open to the petitioner to make fresh online application to the respondent himself as per the provisions of the G.O.(Ms). No.478 dated 29.09.2022 within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of the same, the respondent shall consider it and after giving an opportunity of being heard, the application to be submitted by the petitioner for getting legal heir certificate of her late husband Arumugam, shall be decided



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and disposed of within a period of four weeks thereafter.

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7. With these directions, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Speaking Order : Yes / No

Sgl

To

The Tahsildar,
Ambattur Taluk,
Chennai District.



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R. SURESH KUMAR, J.

Sgl

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