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W.P.No.30718 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.30718 of 2022
and
W.M.P.No.30141 of 2022

C.D.Sundararajan

...Petitioner

Vs.

The Tahsildar,
Office of Tahsildar,
Vandalur, Chennai.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the order passed by respondent in O.Mu.1904/2020/ A4 dated 27.04.2021 and quash the same as illegal, arbitrary and non-est in law and consequently, direct the respondent to conduct proper enquiry and issue legal heirship certificate to the petitioner.

For Petitioner : Mr.A.R.Balaji

For Respondent : Mr.N.Naveen Kumar,
Government Advocate



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ORDER

WEB COPY The prayer sought for is for a Writ of Certiorarified Mandamus to quash the order passed by the respondent dated 27.04.2021 and to consequently direct the respondent to conduct proper enquiry and issue legal heirship certificate to the petitioner.

2. The petitioner's brother one CD Lakshmiah, S/o CD Damodaran, died on 15.06.2018. According to the petitioner, the said CD Lakshmiah did not have any other legal heir except the petitioner, who is the brother of the deceased. Therefore, in that capacity, the petitioner sought for issuance of a legal heirship certificate to the respondent, which was rejected through the impugned order dated 27.04.2021. Challenging the same, the present writ petition has been filed.

3. Heard Mr.A.R.Balaji, learned counsel for the petitioner and Mr.N.Naveen Kumar, learned Government Advocate appearing for the respondent.

4. The learned Government Advocate has pointed out that, the Government issued G.O.(Ms).No.478, Revenue & Disaster Management,



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Revenue Administration Wing, RA-3(2) Section, dated 29.09.2022, under which, new set of mandatory guidelines have been issued, where whether the Class-I or Class-II heirs whoever makes an application for getting the legal heirship certificate, the same should be processed and disposed by the Revenue Tahsildar concerned as per the mandatory guidelines issued in the said Government Order and in this regard, the party who wants to make such an application has to apply only through online.

5. Having considered the said submission made by the learned Government Advocate and having gone through the guidelines issued in G.O.(Ms).No.478, this Court feels that the present order driving the petitioner to go before the Civil Court may not be justifiable and therefore, the impugned order is liable to be interfered with.

6. Accordingly, the impugned order dated 27.04.2021 is quashed. As a sequel, the petitioner is permitted to make an online application as contemplated under G.O.(Ms).No.478, dated 29.09.2022, to the respondent, within a period of two weeks from the date of receipt of a copy of this order, seeking legal heirship certificate and on receipt of the



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same, based on the input to be supplied by the petitioner in respect of his claim and after affording an opportunity of hearing to the petitioner as well as any other legal heirs, the respondent shall pass orders on the plea of the petitioner, within a period of four weeks thereafter.

7. With these directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking order/Non-speaking order
hvk

To

The Tahsildar,
Office of Tahsildar,
Vandalur, Chennai.



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R. SURESH KUMAR, J.

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