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W.P.No.1535 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.02.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.1535 of 2023

Dhanabakiyam

... Petitioner

versus

The Tahsildar
Taluk Office, Anaimalai
Coimbatore District.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus to call for the records from the respondent herein pertaining to the impugned order through SMS in TN-7202211252352 dated 06.12.2022 and quash the same and consequently direct the respondent herein to issue a Legal Heirship Certificate to the petitioner.

For the Petitioner : Ms.Hema Sampath,
Senior Counsel,
for Mr.S.Prabhu

For the Respondent : Mr.V.Baranitharan,
Additional Government Pleader



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ORDER

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The writ petition has been filed in the nature of certiorarified mandamus seeking records of the respondents/Tahsildar in Anaimalai in Coimbatore District relating to the legal heirship certificate applied in TN-7202211252352 dated 06.12.2022 on which, the impugned order was passed forwarded through SMS.

2. The petitioner Dhanabakiyam is the wife of late Kandasamy Asari. She is 80 years old. She resides in the same village at Odyakulam Villlage, at Anaimalai Taluk in Coimbatore District. She has been a resident of the said village. Naturally the jurisdictional Tahsildar should and must know the details of the residents there. The petitioner had stated that her husband and his first wife Visalakshi were married in the year 1940. They had six children. The names of the six children were also given, namely Kuppusamy, Muthulakshmi, Selvaraj, Aruchamy, Balakrishnan and Ravindran. After the death of Visalakshi, A. Kandasamy Achari married the petitioner herein in the year 1964. Four children were born to them namely R. Shanthanayagi, Namchivayam, Muthukumar and Kalaivani. A. Kandasamy Asari died on 08.12.1993. The legal heirs are naturally



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the children born through Visalakshi and the children of the petitioner and more importantly the petitioner. The petitioner sought issuance of legal heirship certificate. That was rejected by the respondents. Complaining and stating that enquiry was never conducted, the writ petition has been filed.

3. This court, on 20.01.2023, had directed that the notes of enquiry should be produced.

4. The Tahsildar had forwarded written instructions through learned Additional Government Pleader stating that he went for enquiry and found that there was no house but that it was only vacant land and that he enquired with the neighbors and found that there was no such resident and therefore rejected the legal heirship certificate.

5. The learned Senior Counsel on behalf of the petitioners stated that the dilapidated house is still very much there and the petitioner is a resident of that village. Quite apart from that fact, Kandasamy Asari also had six children through the first wife and four children through the petitioner herein. They are also residing in the village.



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6. The Tahsildar therefore cannot disclaim knowledge. If he so disclaims, then he is not fit to act as a Tahsildar. The first duty of any Tahsildar which flows from information given by the Village Administrative Officer is knowledge of the lands of the village and to know about the residents of a village. Every birth and every death and every marriage comes to the knowledge of the Village Administrative Officer and consequently of the Tahsildar.

7. In a village the entire community live as one whole family. The Tahsildar cannot and should not have rejected the legal heirship certificate application by the petitioner herein. He must have taken into account the fact that she is a senior citizen of extremely advanced age and should have given respect, at least to her age.

8. He must realize that his official acts can always be called into question. This Court against can very well pass strictures against him and direct his Superior officer to enter this blemish in his service register. But I shall refrain from doing so on the hope that he would realize his duties and the responsibilities he has to discharge and make a proper enquiry and thereafter issue legal heirship certificate. All the



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details have been disclosed. It only requires a cursory examination by the respondents herein. A direction is placed on the respondents to enquire and issue legal heirship certificate on or before 24.02.2023 if otherwise the petitioner had cleared any query raised.

9. The writ petition stands disposed of. No costs.

06.02.2023

Index: Yes/no
mrn

To

The Tahsildar
Taluk Office, Anaimalai
Coimbatore District.



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C.V.KARTHIKEYAN, J.
(mrn)

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