



W.P.No.15397 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.15397 of 2023

E.Balaji

... Petitioner

Vs.

1.The District Collector,
Thiruvallur District.

2.The Tahsildar,
Thiruvallur Taluk,
Thiruvallur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to issue a legal heir certificate of deceased Sornammal, W/o.Late Kuppusamy based on the petitioner's representation dated 01.12.2022.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.V.Manoharan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents to issue a legal heir certificate of deceased



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Sornammal, W/o.Late Kuppusamy based on the petitioner's representation
dated 01.12.2022.

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2. The case of the petitioner is that, he is one of the legal heir of his father Elumalai and the said Elumalai passed away in the year 2009. The petitioner's grandfather predeceased his father and his grandmother died in the year 1986. Subsequently, the petitioner's father obtained the death certificate of the petitioner's grandmother, however, his father did not obtain legal heir certificate of his grandmother. Thereafter, the petitioner made a representation dated 01.12.2022 before the respondents seeking legal heir certificate of his grandmother in favour of the petitioner's father, since he is the only legal heir of his grandmother. However, the same was not considered till date. Hence, the above writ petition is filed before this Court for appropriate orders.

3. Though very grounds have been raised in the writ petition, the learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to the respondents to issue a legal heir certificate of the deceased Sornammal i.e., the petitioner's grandmother, based on the



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petitioner's representation dated 01.12.2022, within a time frame that may be stipulated by this Court.

4. On the above contention, heard the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

5. The facts in the present case is not in dispute. Admittedly, the petitioner's grandmother passed away in the year 1986 intestate leaving behind the petitioner's father and subsequently, the petitioner's father also passed away. Though the facts as such, the petitioner making an application for issuance of legal heir certificate for his grandmother in favour of his father by claiming that his father is the only legal heir of his grandmother, after a lapse of three decades, which is *per se* unsustainable. However, this Court is inclined to grant liberty to the petitioner to go before the competent Civil Court for appropriate remedy.



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M.DHANDAPANI, J.

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6. With the above observation, the Writ Petition is disposed of granting liberty to the petitioner to approach the competent Civil Court for appropriate remedy. No costs.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

1.The District Collector,
Thiruvallur District.

2.The Tahsildar,
Thiruvallur Taluk,
Thiruvallur District.

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