



W.P.No.8101 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

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

W.P.No.8101 of 2023

A.S.Elizebeth

...Petitioner

Vs.

1. The District Collector,
Chennai District, Chennai.

2. The Revenue Divisional Officer – Central,
Gandhi Nagar,
Anna Nagar West Extension,
Chennai-40.

3. The Tahsildar,
Ayanavaram Taluk,
Chennai.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent herein to consider the petitioner representation dated 18.01.2023 with regard to issuance of the legal heir certificate to the petitioner due to the death of her brother A.S.Samuel.

For Petitioner : Mr.R.Ramesh

For Respondent : Mr.E.Veda Bagath Singh,
Special Government Pleader



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ORDER

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The present Writ petition has been filed seeking a direction to the 3rd respondent herein to consider the petitioner representation dated 18.01.2023 with regard to issuance of the legal heir certificate to the petitioner due to the death of her brother A.S.Samuel.

2. Mr.E.Veda Bagath Singh, learned Special Government Pleader takes notice for the respondent. In view of the consent expressed by the learned counsel on either side, this petition is disposed at the admission stage itself.

3. The case of the petitioner is that her parents Selvanyagam and mother Esther had one son and three daughters including the petitioner. The petitioner approached the respondents to issue legal heir certificate to her as her brother as well as his wife died and also there was no issues between them, because she is the only legal heir to the deceased samuel as her father, mother and her sisters all of them are pre-deceased to her elder brother Samuel and his wife Keziah. Now the petitioner is only legal heir of the said Samuel. Therefore, the petitioner sent a representation on 20.04.2022 to the



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3rd respondent wrongly stating to issue second class legal heir certificate as per Indian Succession Act. But there was no second class legal heir certificate is entitled. Hence, the petitioner made a fresh representation to the respondents on 18.01.2023 and however, till date, no action is taken based on the representation. Hence, the present petition.

4. Learned counsel appearing for the petitioner submitted that the petitioner applied for issuance of Legal heirship Certificate by attaching the necessary documents. This Court may issue a direction to the respondents to consider the petitioner's representation and pass appropriate orders within the stipulated time as fixed by this Court.

5. Learned Special Government Pleader appearing for the respondents submitted that pursuant to the order of the Hon'ble Full Bench of this Court, a Government Order in G.O.Ms.No.478, Revenue & Disaster Management Department, dated 29.09.2022 was issued and as per the said Government Order, the Tahsildar is not the competent authority to issue Legal heirship certificate to the petitioner. Therefore, making application before the respondent/Tahsildar for issuance of legal heirship certificate is not



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sustainable. Hence, he prayed for dismissal of this Writ petition.

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6. Heard learned counsel on either side and perused the materials available on record.

7. The petitioner claims to be the Class II Legal heir of the deceased Samuel, who, it is claimed, is his sister. However, as rightly pointed out by the learned Special Government Pleader, the Government Order in G.O.Ms.No.478 Revenue & Disaster Management Department, dated 29.09.2022, issued pursuant to the order of the Hon'ble Full Bench of this Court has clearly stated that, Tahsildar is not the competent authority to issue Class II Legal heirship certificate and the petitioner has to approach only the competent Civil Court.

8. In view of above facts, the prayer sought for the petitioner in this Writ petition cannot be acceded to. However, the petitioner is at liberty to approach the competent civil court to workout her remedy in the manner known to law.



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9. For the reasons aforesaid, this Writ Petition stands dismissed. No costs.

16.03.2023

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NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

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