



W.P.No.8751 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

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

W.P.No.8751 of 2023

Ashokan

...Petitioner

Vs.

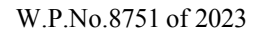
The Tahsildar,
The Office of Tahsildar,
Thiruvannamalai District.

...Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the record of the respondent relating to the Check Status of the application No.TN-7202301092436 dated 09.01.2023, rejecting the application for Class-II Legal heirship Certificate for petitioner paternal aunt Mrs.Kannamal, wife of Duraisamy Udayar, and to quash the same and consequently direct the respondent to issue legal heirship certificate to the petitioner for his paternal aunt Kannammal wife of Duraisamy Udayar.

For Petitioner : Mr.M.Rajasekhar

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



The present Writ petition has been filed seeking quashment of the order of the respondent dated 09.01.2023 made in petitioner's application No.TN-7202301092436, seeking issuance of Class-II Legal Heirship Certificate and for a consequential direction to the respondent to issue legal heirship certificate to the petitioner for his paternal aunt.

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 taken up for final disposal.

3. The case of the petitioner is that he claims to be the only legal heir of his father namely Murugesan. One Kannamal, who is none other than the only sister of the petitioner's father, purchased the property comprised in S.No.167/12, to an extent of 73 cents situated at Devikapuram Village, Arani Taluk, vide registered sale deed bearing Doc.No.1102/1965 dated 07.06.1965 for a valid sale consideration and pursuant to the said purchase, she was in absolute possession and enjoyment of the same. While so, the



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said Kannamal/petitioner's paternal aunt died on 27.02.2011 and the husband of the said Kannamal predeceased her, who died issue less, leaving the petitioner alone as her Class II Legal Heir. Therefore, the petitioner applied for issuance of Class II Legal heirship certificate for his paternal aunt in his favour through online, vide Application No.TN-7202301092436, however, the respondent has rejected the same on 09.01.2023. Hence, challenging the said rejection order/Check Status of the application No.TN-7202301092436 dated 09.01.2023, the present Writ petition is filed.

4. Learned counsel appearing for the petitioner submitted that the petitioner applied for issuance of Class II Legal heirship Certificate for the said Kannamal/petitioner's paternal aunt in his favour, by attaching the necessary documents. He further submitted that, when there is no rival claim, it is the duty of the respondent to consider the said application and issue Class II legal heirship certificate in favour of the petitioner. However, the respondent has rejected the same, vide impugned order dated 09.0.1.2023, which is not sustainable. Hence, he prayed for appropriate orders.



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5. Learned Special Government Pleader appearing for the respondent

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

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 Kannamal, who, it is claimed, is his paternal aunt. 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



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only the competent Civil Court.

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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 his remedy in the manner known to law.

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

21.03.2023
(1/2)

skt

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

To

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The Tahsildar,
The Office of Tahsildar,
Thiruvannamalai District.

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skt

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WMP.No.8933 of 2023

in

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M.DHANDAPANI, J.

Dispense with ordered for
the present.

21.03.2023
(2/2)

skt