



WEB COPY



W.P.No.9998 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9998 of 2023

And

W.M.P.No.10053 of 2023

A.E.Arulmozhi

... Petitioner

Vs.

The Thasildar,
Ayanavaram Taluk,
(Formerly Perambur – Puruasawalkam Taluk)
Chennai.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings dated 19.08.2022 by the respondent herein made in vide Application No.TN720220802671 herein to quash the same and to direct the respondent to re-consider the application submitted for issuing the legal heirship certificate of late Mr.B.Srinivas under the Application.No.TN720220802671 dated 02.08.2022 vide (CAN) 133040111877550.

For Petitioner : Mr.V.Manohar
For Respondent : Mr.U.Baranidharan
Additional Government Pleader



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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings dated 19.08.2022 by the respondent made in Application No.TN720220802671, to quash the same and to direct the respondent to re-consider the application submitted for issuing the legal heirship certificate of late Mr.B.Srinivas under Application No.TN720220802671 dated 02.08.2022 vide (CAN) 133040111877550.

2.The case of the petitioner is that the petitioner married one B.Srinivas who was resident of No.56, 2nd Main Road, Agaram North, Chennai – 600 082 on 02.11.2008 and lived with him till his demise in the said address and after her husband's death on 08.09.2017, she went to her parent's house. Thereafter, the petitioner applied for legal heirship certificate, however, the respondent passed the impugned order rejecting her application. Hence, this petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner's application for legal heirship certificate was rejected on the ground that the petitioner is a resident of Vellore and further submitted that only after the demise of her husband, the



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petitioner went to her parental house at Vellore and prayed for appropriate orders.

4.In view of the above, this Court is inclined to remand the matter back to the respondent for fresh consideration. Accordingly, the impugned proceedings of the respondent dated 19.08.2022 is set aside. The matter is remanded back to the respondent for fresh consideration. The respondent shall conduct enquiry and shall pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

5.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

31.03.2023

pri

Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

To

The Thasildar,
Ayanavaram Taluk,
(Formerly Perambur – Puruasawalkam Taluk)
Chennai.

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M.DHANDAPANI,J.
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