



WEB COPY



W.P.No.12641 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.12641 of 2023

G.Preetha Girish

... Petitioner

Vs.

The Tahsildar,
Ayanavaram Tashildar Office,
New Avadi Road, Chennai

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for records in rejection order in application no.TN-722301112206 dated 20.01.2023 issued by the respondent to quash the same and direct the respondent to issue legal heir certificate.

For Petitioner : Mr.S.Ravichandran

For Respondents : Mr.E.Veda Bagath Singh
SGP



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ORDER

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The prayer sought for herein is for a Writ of Certiorarified Mandamus to quash the rejection order of the respondent in Application No.TN-722301112206 dated 20.01.2023 and for a consequential direction to the respondent to issue legal heir certificate.

2. Mr.S.Ravichandran, appears for learned counsel for the petitioner, Mr.E.Veda Bagath Singh, learned Special Government Pleader accepts notice for respondent. In view of the consent expressed by learned counsel on either side this writ petition is taken up for final hearing.

3. It is the case of the petitioner that she is a resident of Chennai and her father namely Padmanaba Menon has two daughters and one son. The petitioner's father was working in the Government Sector and after his retirement, he resided in Chennai and occasionally visited Kerala to meet his son. Subsequently, he died in the State of Kerala and the Department of Urban Affairs Government of Kerala has issued death certificate dated 03.09.2022. When the petitioner applied for legal heir certificate before the



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respondent along with all the necessary documents being uploaded in the Revenue Website, the said application was rejected by the respondent vide Application No.TN-722301112206 dated 20.01.2023 citing the reason that since the petitioner's father died at Kerala, the petitioner has to approach the State of Kerala for issuance of legal heir certificate. Challenging the same the above writ petition has been filed.

4. Though very many grounds have been raised in the above writ petition, learned counsel for the petitioner submits that admittedly the petitioner and her father obtained Aadhaar card in the State of Tamil Nadu and they being the permanent residents of Tamil Nadu, the authorities in the State of Kerala have no jurisdiction to issue legal heir certificate, since the issuance of legal heir certificate is within the domain of the respondent / Tahsildar, rejecting the petitioner's application by directing the petitioner to obtain legal heir certificate of her father in the State of Kerala is not sustainable.



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5. Learned Special Government Pleader appearing for the respondent submits that since the petitioner's father died in the State of Kerala and that the death certificate was also issued by the Kerala Government, the petitioner's application seeking legal heir certificate of the petitioner's father was rejected by the respondent. Accordingly, he prayed for passing appropriate orders.

6. Heard learned counsel appearing on either side and perused the materials placed before this Court.

7. Admittedly, the petitioner's father is a resident of Tamil Nadu, and also have an Aadhaar card. However, a mere issuance of the death certificate by the Kerala Government, will not be a bar for issuing legal heirship certificate in respect of the petitioner's father, who was a resident of Tamil Nadu. Hence, the reason assigned by the respondent directing the petitioner to obtain legal heir certificate of her father in the State of Kerala, as the death certificate was issued by the Kerala Government, is wholly



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misconceived. Therefore, the impugned order is liable to be quashed. In view of the above this Court directs the respondent to issue legal heir certificate of the petitioner's father to the eligible persons after conducting appropriate enquiry within a period of four (4) weeks from the date of receipt of a copy of this order.

8. With the above observation and direction, this writ petition is allowed and the impugned order dated 20.01.2023 issued by the respondent is set aside. No costs.

26.04.2023

NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

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M.DHANDAPANI,J.

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To

The Tahsildar,
Ayanavaram Tashildar Office,
New Avadi Road, Chennai.

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