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W.P.No.18588 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

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

W.P.No.18588 of 2023

B.Manjula

...Petitioner

Vs.

The Tahsildar,
Ayanavaram Taluk,
Chennai – 600 102.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to issue the Class-II Legal heirship certificate of Selvam (died on 26.11.2018), son of Lakshmanan-Chinnammal, as per the judgement and decree dated 11.01.2023 in O.S.No.6929 of 2021 passed by XVIII Assistant City Civil Court, Chennai.

For Petitioner : Mr.R.Vijayakumar

For Respondent : Mr.P.Sathish, AGP

ORDER

This Writ petition has been filed seeking direction to the respondent to issue the Class-II Legal heirship certificate of Selvam, as per the judgement and decree dated 11.01.2023 made in O.S.No.6929 of 2021.



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2. Mr.P.Sathish, learned Additional Government Pleader takes notice for the respondent. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner made an application dated 23.12.2020 before the respondent seeking issuance of Class II legal heirship certificate of her deceased brother Selvam, who died on 26.11.2018, in favour of the petitioner and her five other sisters. Upon receipt of the said application, the respondent, vide proceedings dated 18.02.2021 bearing Na.Ka.No.A3/2328/2020, directed the petitioner to obtain a declaratory decree from appropriate Civil court. Thereby, the petitioner along with the others filed a suit in O.S.No.6929 of 2021 on the file of the XVIII Assistant City Civil Court, Chennai and the same was decreed in favour of the petitioner and other plaintiffs therein, vide judgement and decree dated 11.01.2023. Pursuant to the same, the petitioner made a representation dated 20.03.2023 before the respondent seeking issuance of legal heirship certificate of her brother Selvam, however, till date, the respondent has not issued legal heirship certificate in favour of the



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petitioner, despite the above said decree dated 11.01.2023 made in O.S.No.6929 of 2021. Hence, this Writ petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondent to consider the petitioner's representation dated 20.03.2021 and to consequently, issue the Class-II Legal heirship certificate of deceased Selvam, in favour of the petitioner and other plaintiffs in O.S.No.6929 of 2021, as per the judgement and decree dated 11.01.2023 made in the said suit.

5. Learned Additional Government Pleader appearing for the respondent submitted that appropriate orders will be passed on the petitioner's representation dated 20.03.2023 within the time stipulated by this Court.

6. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the respondent to consider the petitioner's representation dated 20.03.2023 on merits and in



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accordance with law and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner, all the legal heirs of the said Selvam and aggrieved persons, if any.

7. Accordingly, this Writ petition stands disposed of. No costs.

26.06.2023

skt

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

To

The Tahsildar,
Ayanavaram Taluk,
Chennai – 600 102.

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