



WEB COPY



W.P.No.19484 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM :

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

W.P.No.19484 of 2023

Thandapani Subramanian

... Petitioner

Vs.

1. The District Collector,
Kancheepuram District,
Chennai.

2. Tahsildar,
Pallavaram Taluk,
Chennai – 600 044.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified mandamus calling for the records relating to the impugned order in x.K.2155/2023/m4 dated 23.05.2023 passed by the 2nd respondent herein, quash the same and consequently direct the 2nd respondent to issue legal heirship certificate of the deceased Mr.V.S.Sankaran to his Class-II Legal Heirs.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.V.Manoharan
AGP



W.P.No.19484 of 2023

ORDER

WEB COPY

This writ petition has been filed seeking for issuance of a writ of certiorarified mandamus to quash the impugned order in x.K.2155/2023/m4 dated 23.05.2023 passed by the 2nd respondent herein, quash the same and consequently direct the 2nd respondent to issue legal heirship certificate of the deceased Mr.V.S.Sankaran to his Class-II Legal Heirs.

2. It is the case of the petitioner that his brother one V.S.Sankaran was married to one Rajini Sankaran and they had a male child named S.Deepak. Unfortunately, the said S.Deepak met with a road accident and died intestate on 15.02.2007. Further the said Rajini Sankaran also died intestate on 14.05.2021 leaving behind her husband ie., petitioner's brother. Subsequently, petitioner's brother also died intestate on 29.09.2022 leaving behind his siblings including the petitioner as Class-II legal heir. When the petitioner made an application dated 03.05.2023 before the second respondent seeking legal heir certificate of petitioner's brother, the said application was rejected by the second respondent vide



W.P.No.19484 of 2023

order dated 23.05.2023 relying upon the Government order dated 29.09.2022 in G.O.(Ms)No.478 Revenue and Disaster Management, Revenue Administration Wing on the ground that the second respondent has no power to issue legal heirship certificate for Class-II legal heirs and directed him to approach the competent civil Court. Challenging the same, the present writ petition has been filed.

3. Learned counsel for the petitioner submits though the Government order dated 29.09.2022 in G.O.(Ms)No.478 Revenue and Disaster Management, Revenue Administration Wing came to be passed in lieu of order of the Hon'ble Full Bench of this Court permitting issuance of class II legal heir certificate of the deceased (in case of unmarried persons) for the following persons, who are (i) Father of the deceased (ii) Mother of the deceased (iii) Brothers of the deceased (iv) Sisters of the deceased, in the present case on hand the deceased i.e, petitioner's brother is a Hindu widow who has left behind his siblings as his legal heirs, since the wife and daughter of the deceased predeceased the petitioner's brother. Thus, the said G.O. does not squarely cover the present case on hand. Hence, the impugned order passed by the second



W.P.No.19484 of 2023

respondent is unsustainable.

WEB COPY

4. Learned Additional Government Pleader appearing for the respondents submitted that as per the said aforesaid Government Order, the Tahsildar is not the competent authority to issue Legal heirship certificate to the petitioner. Therefore, making application before the second respondent/Tahsildar for issuance of legal heirship certificate is not sustainable. Hence, he prayed for dismissal of this Writ petition.

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

6. The petitioner claims to be the Class II Legal heir of the deceased V.S.Sankaran, who, it is claimed, is his brother. However, as rightly pointed out by the learned Additional 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



W.P.No.19484 of 2023

petitioner has to approach only the competent Civil Court.

WEB COPY

7. In view of above facts, the prayer sought for by 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.

8. For the reasons aforesaid, this Writ Petition stands dismissed.

No costs.

30.06.2023

rap

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

To

1. The District Collector,
Kancheepuram District,
Chennai.

2. Tahsildar,
Pallavaram Taluk,
Chennai – 600 044.



WEB COPY



W.P.No.19484 of 2023

M.DHANDAPANI, J.

rap

W.P.No.19484 of 2023

30.06.2023