



W.P.No.22028 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.22028 of 2023

C.Ashok Kumar

... Petitioner

Vs.

1.The District Collector, Thiruvallur
District Collectorate Office,
Thiruvallur District.

2.The Revenue Divisional Officer,
Avadi, Thiruvallur District.

3.The Tahsildar,
Avadi Zone,
Thiruvallur District.

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the third respondent to consider the petitioner's representation dated 20.06.2022 and issue legal heir ship certificate for the deceased Mrs.Kasthuri.



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For Petitioner : Mr.L.Ramkumar

For Respondents : Mr.M.Bindran
Additional Government Pleader for R1 to R3

ORDER

The petitioner has applied for a legal heir certificate for his mother, Kasthuri, who died on 11.12.2020. The case of the petitioner is that his father, Chandran, deserted his mother years ago and his whereabouts are unknown. The third respondent vide his proceeding dated 08.07.2022, has rejected the application, reasoning that since the petitioner's mother did not report the disappearance of the petitioner's father to the police, the petitioner is not entitled to a legal heir certificate for his mother. What is now required in this petition is a direction to the Tahsildar to consider the representation of the petitioner given on 20.06.2022.

2.Two things emerge. First, the petitioner has not challenged what needs to be challenged. Second, the reasons stated by the Tahsildar defy all rules of logic and experience. The petitioner has after all sought a legal heir certificate for his



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mother, and this court wonders what it has to do with the existence or non-existence of the father.

3.Heard the learned counsel on both sides.

4.For the present, this court merely directs the petitioner to approach the RDO concerned by way of an appeal against the order of the Tahsildar. The RDO concerned, while considering the appeal, is required to take note of the illogical approach of the Tahsildar, which this court has highlighted above, and decide the matter.

5.This Writ Petition stands disposed of accordingly. No Costs.

26.07.2023

Anu

Index : Yes / No

Neutral citation : yes/no



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N.SESHASAYEE, J.
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