



W.P.No.23473 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.23473 of 2023

Josephine Maria Yogamalar

... Petitioner

Vs.

The Tahsildhar,
Perambur Taluk Office,
Perambur,
Chennai - 600 011.

... Respondent

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records of the respondent's order of the rejection dated 10.04.2023 made in proceeding No.C2/1011/2023 on the file of the respondent/Tahsildhar, Perambur Taluk, Chennai on the petitioner's legal Heir application bearing application No.TN.7202211241315, dated 24.11.2022 submitted through "E seva" online and quash the same as illegal and arbitrary and consequently direct the respondent to issue the class II legal heir certificate of the petitioner's deceased brother J.John Kingslin within a time frame

For Petitioner : Mr.P.Gunaraj



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For Respondents 1 to 3 : Mr.V.Manoharan
Additional Government Pleader

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner is a sister of one deceased John Kingslin. He was married and divorced. On his demise, the petitioner approached the respondent herein for a legal heir certificate, but it was rejected by the respondent on the ground that as per G.O.(Ms).478, Revenue and Disaster Management, Revenue Administration Wing RA-3(2) Section, dated 29.09.2022, a sister would be entitled to obtain a legal heir certificate vis-a-vis her brother only if the brother is not married and that inasmuch as the brother is married and divorced he will not fall within the above said Government Order.

3.Mr.V.Manohar, the Additional Government Pleader has taken notice for the respondent. Heard the learned counsel.



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4.The idea behind the Government Orders is that a man should not have a legitimate heir. After all, a sister is a proximate heir to the deceased but the respondent appeared to have fought to meticulously the Government Order and not appeared to have understood the spirit behind it. At the end of the day, John Kingslin has died without any spouse living. Therefore, the ground on which the Tahsildhar has rejected cannot be countenanced.

5.Therefore, this Court chooses to set aside the impugned proceedings of the Tahsildhar and remands the matter back to him and he may now consider issuing the legal heir certificate, subject to any other grounds that may intervene his decision.

6.This writ petition stands disposed of accordingly. No Costs.

10.08.2023

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Index : Yes / No

Neutral citation : yes/no



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To

The Tahsildhar,
Perambur Taluk Office,
Perambur,
Chennai - 600 011.



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N.SESHASAYEE, J.

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