



W.P. No. 26395 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 27.09.2023

Pronounced on : 30.11.2023

CORAM: JUSTICE N.SESHASAYEE

W.P. No.26395 of 2023
and WMP.No.25814 of 2023

Yagavarshini Saran

... Petitioner

Vs.

The Tahsildar
Sholinganallur Taluk
No.1, I Cross Street
New Kumaran Nagar
Sholinganallur
Tamil Nadu - 600 119.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the respondent rejecting the petitioner Application Number: TN-7202209212319 dated 21.09.2022 to issue legal heirship certificate of the petitioner grandmother late Mrs.Pushpammal Lakshmanan Nadar, and to quash the same, consequently direct the respondent to take necessary action to issue legal heirship certificate of the petitioner grandmother late Mrs. Pushpammal Lakshmanan Nadar, including the names of (i) Mrs.Renugadevi Saran, (ii) Miss.Yagavarshini Saran, and (iii) Yaga Dharshini Saran.



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For Petitioner : Mr.I.Prakash Raj

For Respondent : Mr.V.Manoharan
Additional Government Pleader

ORDER

The petitioner herein had applied for a certificate on behalf of herself, her mother and her sister to the effect that they are the legal heirs of her deceased paternal grand mother Pushpammal Lakhsmanan Nadar. The petitioner's father is the only son born to Pushpammal and her husband Mr.Yagava Munivar (alias) Lakshmana Nadar, and her grandfather and her father predeceased Pushpammal, and now the surviving heirs of Pushpammal are the petitioner, her mother Renugadevi, and her sister Yaghadharshini. The petitioner is stated to have applied for legal heirship certificate on 21.09.2022 through e-portal and it came to be rejected on 10.05.2023. No reasons however, was stated for the rejection. Hence, the petitioner is before this Court seeking to quash the non-speaking order and for further directions.

2. Heard the learned Government Advocate for the respondent. The learned Government Advocate submitted that the petitioner claim to be the grandchild of Pushpammal and Yagava Munivar (alias) Lakshmana



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Nadar. But in terms of G.O.(Ms) No.478 Revenue & Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 29.09.2022, there is no provision for issuing legal heir certificate to grandchildren. In ***P.Venkatachalam Vs. Tahsildar, Kumarapalayam Taluk, Namakkal District*** [2022 (4) CTC], the Full Bench of this Court has held that Circular No.9 of 2019, issued by the Government, may not bind the Court, but it administratively binds the Tahsildar. Accordingly, G.O.(Ms) No.478 thus binds the Tahsildar. And inasmuch as the paternal grandchildren are Class-II heirs in terms of Hindu Succession Act, they have to approach the concerned civil Court.

3. This Court finds force in the submissions of the learned Government Advocate, and requires the petitioner to approach the appropriate civil Court for remedies. The writ petition is dismissed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

30.11.2023

Index : Yes / No
Internet : Yes / No
Speaking order / Non-speaking order
ds



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To:

The Tahsildar
Sholinganallur Taluk
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Tamil Nadu - 600 119.



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N.SESHASAYEE.J.,

ds

Pre-delivery order in
W.P.No.26395 of 2023

30.11.2023