



W.P.(MD) No.1511 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.10.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.1511 of 2020

C.Mathani

... Petitioner

-VS-

The Tahsildar,
Trichy East Taluk
Trichy District

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the respondent in O.Mu.Aa1/353/2019 dated 31.01.2019 by rejecting the petitioner's application on the same day and quash the same and further directing the respondent to issue the legal heir certificate to the petitioner.

For Petitioner : Mr.G.Ganeshkumar
For Respondents : Ms.D.Farzana Goushia
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the respondent in O.Mu.Aa1/353/2019 dated 31.01.2019



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rejecting the application submitted by the petitioner seeking for legal heirship certificate.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondent.

3.The case of the petitioner is that her mother Mahendralakshmi is a Srilankan refugee. She gave birth to two children, namely, the petitioner and her brother Parthiban. On 18.11.2018, the mother of the petitioner died. She had made some savings in some banks. The petitioner and her brother wanted to withdraw the amount that was deposited by their mother in various banks. When they approached the bank, the bank was insisting for the legal heirship certificate. Accordingly, the petitioner made a representation/application before the respondent on 19.12.2018 seeking for legal heirship certificate. The same was rejected through the impugned proceedings dated 31.01.2019 and the same has been made as a subject matter of challenge in the present writ petition.



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4. The materials that have been placed before this Court, viz., the birth certificate of the brother of the petitioner, death certificate of the mother of the petitioner, identity card of the petitioner issued by the competent authority and also the Aadhar card issued in the name of the petitioner, show that the mother and her two children were Srilankan refugees. The petitioner wants to withdraw the amount deposited by the mother in various banks and also to operate the bank locker. For this purpose, the bank has insisted for production of legal heirship certificate. The material available show that the petitioner and her brother are legal heirs of the deceased Mahendralakshmi. In view of the same, there is no reason as to why the legal heirship certificate must be rejected by the respondents, just because the petitioner and her brother happen to be Srilankan refugees. This legal heirship certificate is sought for only to operate the bank accounts and the locker. Hence, this Court is inclined to interfere with the impugned proceedings issued by the respondent in in O.Mu.Aa1/353/2019 dated 31.01.2019 and the same is hereby quashed.



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5. In the result, the writ petition is allowed and there shall be a direction to the respondent to issue legal heirship certificate after collecting all the necessary documents from the petitioner and her brother. This process shall be completed by the respondent within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this legal heirship certificate is issued only to enable the petitioner and her brother to operate the bank accounts and the bank locker. No costs.

03.10.2023

Internet : Yes

RR

To
The Tahsildar,
Trichy East Taluk
Trichy District



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N.ANAND VENKATESH, J.

RR

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