



WEB COPY

W.P.No.8860 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.8860 of 2024

S. Shriram S/o. M. Samantham

... Petitioner

Vs.

The Tahsildar,
Avadi Taluk,
Tiruvallur District.

..... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to legal heirship certificate of deceased M. Subbaian based on the petitioner's physical and online application No.TN-720240104343 dated 04.01.2024 in accordance with the Government Order in G.O. (Ms.) No.478 of the Revenue and Disaster Management Department dated 29.09.2022 within the time frame fixed by this Court.

For Petitioner : Mr. R. Shivakumar
for M/s K.M. Vijayan Associates

For Respondent : Mr. U. Baranidharan
Additional Government Pleader.



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ORDER

The Writ petition has been instituted to direct the respondent to issue a Legal Heirship Certificate of the deceased M. Subbaian based on the petitioner's physical and online application No.TN-720240104343 dated 04.01.2024 in accordance with the Government Order in G.O. (Ms.) No.478 of the Revenue and Disaster Management Department dated 29.09.2022.

2. With reference to the application submitted by the petitioner seeking legal heirship certificate, the learned Additional Government Pleader appearing on behalf of the respondent, based on the written instructions from the Tahsildar, Avadi states that as per the enquiry made by the field officials of Revenue department, it was found that the deceased M. Subbian and Chandra has no legal heirs and the petitioner has applied for Legal Heirship Certificate mentioning that himself and 6 others are adopted children of the deceased. He has not submitted any records to establish the legal adoption to the deceased persons. Therefore the petitioner's application was rejected.



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3. The learned counsel appearing on behalf of the petitioner opposed the said contention by stating that the petitioner is not claiming to be the adopted son of the deceased M. Subbian. He is claiming Legal Heirship Certificate on the fact that the petitioner is brother's son of the deceased M. Subbian.

4. It is needless to state that the Legal Heirship Certificate is to be issued in accordance with the provisions of the Succession Laws and by following the procedures as contemplated under the Government Orders. An enquiry is to be conducted to find out the truth regarding the claim, since it has civil consequences.

5. In view of the fact that the application now submitted by the petitioner is not in compliance with the Succession Law, the petitioner is at liberty to submit a fresh application in accordance with law and in the event of submitting any such application, the same is to be considered on merits in accordance with law.



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6. With this liberty, this Writ petition stands disposed of. There shall be no order as to costs.

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Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

mjs

To

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S.M.SUBRAMANIAM, J.

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