



W.P.No.10255 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.10255 of 2022

S.Mohanraj

... Petitioner

Vs.

- 1.The Principal Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai 600 005
- 2.The Collector, Chennai District,
Fourth Floor, M.Singaravelar Maaligai,
62, Rajaji Salai, Chennai Collectorate,
Chennai 600 001
- 3.The Revenue Divisional Officer,
Chennai Central, Ambattur,
Anna Nagar West Extension,
Thirumangalam, Chennai 600 101
- 4.The Tahsildar,
Ambattur Taluk,
Ambattur, Chennai 600 053

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to process the legal heirship application submitted by the petitioner vide application No. TN-7202109202780 dated 20.09.2021 and issue him the legal heirship certificate in respect of the death of his mother Mrs.K. Esther within a time limit to be stipulated by this Court with exemplary



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costs and consequently direct the respondents 1 to 3 to initiate appropriate disciplinary action against the fourth respondent for insisting the non-existent condition for issuing the legal heirship certificate

For Petitioner : Mr.P.Manoj Kumar

For Respondents : Mr.S.J.Mohamed Sathik,
Government Advocate

ORDER

This writ petition has been filed for direction to the respondents to process the application for issuance of legal heirship certificate of the petitioner's deceased mother.

2. The petitioner is residing in the address mentioned in the affidavit. While being so, her mother had stayed in Kerala and was taking treatment. However, she died on 09.01.2015 and the petitioner obtained death certificate. On the strength of the death certificate, the petitioner had applied for legal heirship certificate. It was rejected on the ground that the petitioner failed to submit no objection certificate from the jurisdiction Tahsildar.



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3. The learned counsel for the petitioner would submit that from the birth, the petitioner was living in the address given in the affidavit along with his mother. While being so, she was admitted in Divine Mercy Old Age Home, Kollakonam, Amachal, Kattakada Grama Panchayat, Thiruvananthapuram, Kerala for taking treatment. Thereafter, she was admitted in Dr.Somervell Memorial CSI Medical College and Hospital, Thiruvananthapuram and thereafter she died. Her death was duly registered by Kattakada Grama Panchayat vide proceedings dated 30.09.2020. The petitioner also produced all other evidences to show that his mother was living along with him in the address given in the affidavit. Annexing all those documents, the petitioner once again applied for legal heirship certificate before the fourth respondent on 20.09.2021 and it is still pending.

4. On perusal of the counter filed by the fourth respondent revealed that the petitioner's mother was having permanent address at Kerala. FIR was registered at Kerala. Therefore, for issuance of legal heirship certificate, the petitioner ought to have produced no objection



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certificate from the local Tahsildar where the deceased had resided.

5. Considering the above facts and circumstances of the case, the fourth respondent is directed to verify the records produced by the petitioner and pass appropriate orders for issuance of legal heirship certificate on merits and in accordance with law within a period of six weeks from the date of receipt of copy of this order.

6. With the above direction, this writ petition is disposed of.
There shall be no order as to costs.

02.04.2024

Neutral Citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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