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W.P.No.11843 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No.11843 of 2024

R.Sathish Kumar

... Petitioner

Vs.

The Tahsildar,
Pallavaram Taluk,
Pallavaram,
Chengalpattu District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of Certiorarified Mandamus, calling for the records from the file of the respondent pertaining to the impugned reply letter vide O.Mu.4713/2023/A1 dated 22.01.2024 and quash the same as illegal and consequently direct the respondent to issue legal heirship certificate of petitioner grandmother Padma Nandagopal's sister Nesamoney Joshua, certifying that the petitioner only Class – II legal heirs.

For Petitioner : Mr.S.B.Viswanathan

For Respondent : Mr.U.Baranidharan
Additional Government Pleader



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ORDER

The writ petition has been instituted challenging the order of rejection dated 22.01.2024 and to direct the respondent to issue the 'Legal Heirship Certificate' of the petitioner's grand mother Padma Nandagopal's sister Nesamoney Joshua.

2. Mr.S.B.Viswanathan, learned Counsel appearing on behalf of the petitioner would submit that the petitioner is the only surviving heir of his grand mother Mrs.Padma Nandagopal's sister Mrs.Nesamoney Joshua. Therefore, the petitioner is eligible to get Class-II 'Legal Heirship Certificate'. In this regard, the Revenue Authorities are empowered to conduct an enquiry. Thus, the order of rejection is to be set aside and a direction is to be issued for conducting an enquiry for issuance of 'Legal Heirship Certificate'.

3. Mr.U.Baranidharan, learned Additional Government Pleader based on the written instructions given by the Tahsildar, Pallavaram *vide* letter dated 24.04.2024 would oppose by stating that it is not as if the petitioner seeks 'Legal Heirship Certificate' for his grand mother. But, he seeks 'Legal Heirship Certificate' for his grand mother Mrs.Padma



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Nandagopal's sister Mrs.Nesamoney Joshua.

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4. The relationship of the petitioner and the sister of his grand mother is not falling under the Government Order issued in G.O.(Ms)No.478 dated 29.09.2022 and G.O.(Ms)No.110 dated 13.03.2024. If the relationship between the parties are falling beyond the scope of the Government Order issued, then the parties are to be relegated to approach the competent civil court of law for the purpose of establishing their civil rights. Since the petitioner seeks 'Legal Heirship Certificate' of one late Mrs.Nesamoney Joshua, who is the sister of the grand mother of the petitioner, the Revenue Authorities may not be in a position to issue 'Legal Heirship Certificate'. Thus, the petitioner is at liberty to approach the civil court of law.

5. Accordingly, this Writ Petition stands **disposed of**. There shall be no order as to costs.

25.04.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

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The Tahsildar,
Pallavaram Taluk,
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