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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.06.2024

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.15224 of 2024

K.Prakash

... Petitioner

Vs

1.The District Collector
Chennai District.

2.The Thasildhar
Perambur Taluk,
Chennai – 600 011

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to consider petitioner representation dated 28/03/2024 for claiming legal heir certificate based on his online application No.TN-7202306222183 dated 22/06/2023 within a stipulated time.

For Petitioner : Mr.P.Manikannan

For Respondent : Mr.R.Neelakandan
Additional Advocate General
assisted by Mr.U.Bharanidharan
Additional Government Pleader



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ORDER

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Mr.U.Bharanidharan learned Additional Government Pleader accepts notice for the respondents and is represented by Mr.R.Neelakandan, learned Additional Advocate General. They are abreast with all developments in this matter and have also received instructions upto date. They are hence in a position to assist in the final disposal of this Writ Petition, even at the stage of admission. Hence, this order is passed with the consent of all parties.

2. The petitioner claims to be a resident in Manickavinayagar Koil Street, Vyasarpadi for several years. His father was one Kothandapani who had passed away on 24.01.1996 at 49, Village Street, Kaladipet, Thiruvottiur, Chennai- 600 019. The petitioner claims that himself and one Prabakaran are the surviving legal heirs of Late Kothandapani.

3. The petitioner had submitted an online application dated 30.11.2021 for legal heirship certificate before the Tahsildar, Perambur/R2. That application has come to be rejected by R2 citing the reason '*need deceased 2nd wife details*'..

4. Admittedly, no notice was issued to the petitioner calling for the details and hence this order is arbitrary and in violation of principles of natural justice.



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5. A second application had been filed online before R2 on 22.06.2023

furnishing the details of the first and second wives of his father.

6. That application also came to be rejected citing the following reason:

'Based on VAO, RI verification report and not recommended by the HQDT. Deceased person died 27 years back in Sathangadu Village, his family has shifted to kodungaiyur few years back. NOC has been issued for petitioner to get the certificate at respective taluk where he is residing and need to upload RI statement.'

7. The fact that it has been returned is not in dispute, since the status placed at page 26 of the typed set of papers states *'Send back to Kiosk/Citizen'*. In compliance of the reasons for return of the second application, the petitioner states that he has obtained the No Objection Certificate from the Tahsildar, Thiruvottiyur taluk and has uploaded the same.

8. Despite this, there is no reply. He would also submit that the very rejection of his first application on the ground that the particulars of the second wife have not been found in order, as the particulars are well available with him and could have been provided if it had been sought.

9. For the sake of clarity, the writ affidavit discloses that the name of the second wife is Neelavathi and that the couple, i.e, Kothandapani and Neelavathi had no children.



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10. On account of the undue delay in issuing legal heirship certificate, the petitioner has made a representation on 28.03.2024 to both the respondents setting out his grievance, to which also there is no response.

11. Hence, this Writ Petition seeking a mandamus directing R2 to consider his representation for legal heirship certificate based on his application dated 22.06.2023.

12. This Court is of the considered view that the rejection of the first application dated 30.11.2021 is bad in law, since the petitioner was never asked to produce the particulars of the second wife and the rejection of the application is contrary to the principles of natural justice.

13. The prayer of the petitioner is hence moulded to one of Writ of Certiorari challenging order dated 30.11.2021. This prayer is accepted in light of the arbitrary nature of the order passed in violation of the principles of natural justice. With this, application dated 30.11.2021 stands revived.

14. Mr.Neelakandan would point out some technicalities in accessing this application online as he would submit that the software does not permit this facility.

15. Hence, let the petitioner appears before R2 on 24.06.2024 at 11.00 a.m. without awaiting any further notice in this regard, along with a physical



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copy of the application filed on 30.11.2021 along with relevant materials for processing the same.

16. Coming to the second application dated 22.06.2023, the reasons for return are that NOC has not been obtained and uploaded. The petitioner is directed to produce the same before R2 along with his application, on 24.06.2024.

17. R2 will grant audience to the petitioner, and pass orders on application dated 30.11.2021, in accordance with law and all relevant rules and regulations, within a period of four (4) weeks from 24.06.2024, i.e., on or before 29.07.2024.

18. This Writ Petition is disposed in the aforesaid terms. No costs.

13.06.2024

Index : Yes / No
Speaking Order/Non-Speaking order
Neutral Citations: Yes/No
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To

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2.The Thasildhar
Perambur Taluk,
Chennai – 600 011



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Dr.ANITA SUMANTH,J.

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