



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-02-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.20512 of 2021

Smt.Hannah Jebasuganthu Edwin

.. Petitioner

-VS-

1.The District Collector,
Salem District,
Salem-636 001.

2.The Tahsildar,
Office of the Tahsildar,
Salem (West),
Main Road,
Subramania Nagar,
Suramangalam,
Salem-636 302.

.. Respondents



Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to reprocess the application dated uploaded in application No.TN 7202107084324 dated 08.07.2021 pursuant to the representation dated 27.07.2021 to the respondents and issue to the petitioner, the Legal Heir Certificate for the deceased mother Smt.Chandra Leela.

For Petitioner : Mr.R.C.Manaoharan
For Respondents : Mr.T.Arunkumar,
Additional Government Pleader.

ORDER

The present writ petition has been instituted to direct the second respondent to to reprocess the application dated uploaded in application No.TN 7202107084324 dated 08.07.2021 pursuant to the representation dated 27.07.2021 to the respondents and issue to the petitioner, the Legal Heir Certificate for the deceased mother Smt.Chandra



Leela.

WEB COPY

2. The petitioner submitted an application seeking Legal Heir Certificate, since his mother Tmt.Chandra Leela Moses died on 17.05.2021. The mother of the writ petitioner was a retired B.T. Assistant and she was residing within the jurisdiction of the second respondent.

3. The petitioner states that after his birth, his mother divorced his father Mr.J.Edwin by obtaining an order from the District Court at Salem in IDOP No.19 of 1990. After the divorce, the mother of the writ petitioner was under the custody and care of her elder sister at Salem. The petitioner got married and settled at Velacherry at Chennai. Therefore, the petitioner submitted an application seeking Legal Heir Certificate from the office of the Tahsildar at Salem (West) and the said application of the petitioner was submitted through Online.

4. The learned Additional Government Pleader appearing on behalf of the respondents would oppose the statement of the petitioner by stating that the petitioner is not residing at Salem and admittedly, she is



residing at Velacherry at Chennai.

5. Citing the abovesaid reason, the second respondent-Tahsildar declined to issue Legal Heir Certificate to the petitioner.

6. The Death Certificate of the mother of the writ petitioner was issued by Salem Corporation, Division-II. The said Death Certificate would reveal that the mother of the writ petitioner late Tmt.Chandra Leela Moses was residing at No.1147, Vijayaragavan Nagar, Jagir Ammapalayam, Salem, Tamil Nadu-636 302.

7. When the mother of the writ petitioner was residing at Salem, and at the time of her death, she was a retired B.T. Assistant, the respondents ought not to have rejected the application submitted by the writ petitioner for the grant of Legal Heir Certificate. The approach of the respondents in rejecting the application merely on the ground that the petitioner is not residing at Salem, is improper and perverse.



8. In view of the facts and circumstances, the second respondent is directed to verify the documents produced by the writ petitioner and if the documents are otherwise in order, the second respondent shall issue the Legal Heir Certificate by following the procedures as contemplated, within a period of eight weeks from the date of receipt of a copy of this order.

9. With the above directions, the present writ petition stands allowed. However, there shall be no order as to costs.

06-02-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To



WEB COPY

WP No.20512 of 2



1.The District Collector,
Salem District,
Salem-636 001.

2.The Tahsildar,
Office of the Tahsildar,
Salem (West),
Main Road,
Subramania Nagar,
Suramangalam,
Salem-636 302.

S.M.SUBRAMANIAM, J.



WEB COPY

WP No.20512 of 2



Svn

WP 20512 of 2021

06-02-2024