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W.P.No.23110 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.23110 of 2021

D.Rangarajan

... Petitioner

Vs

1. The Revenue Divisional Officer,
Coimbatore (North) Revenue Division,
Venkateswara Nagar, Koundampalayam,
Coimbatore – 641 030.

2. The Tahsildar,
Coimbatore North Taluk Office,
ATT Colony, Gopalapuram,
Coimbatore – 641 018.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for for the records pertaining to the impugned communication of the second respondent vide letter in O.M/0980/2021/A2 dated 09.07.2021 and quash the same and consequently direct the second respondent to issue a legal heir certificate of the deceased D.Gopalan in Coimbatore North Taluk Office which comes under the jurisdictions of the Coimbatore North Taluk Office.



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For Petitioner : Mr.T.Nixon

For Respondents : Mr.S.Arumugam,
Government Advocate

O R D E R

This writ petition has been challenging the order passed dated 09.07.2021 passed by the second respondent, thereby, the second respondent rejected the request made by the petitioner for issuance of legal heirship certificate on the demise of his brother, viz., D.Gopalan.

2. The petitioner is residing in Coimbatore and his father, viz., D.Devarajan and his mother, viz., D.Jayalakshmi gave birth to the petitioner and his brother D.Gopalan. The petitioner's father died on 01.03.2004 in Coimbatore and his mother also died. On their demise, the petitioner and his brother were issued legal heirship certificate on 13.03.2018 and patta was also issued in favour of the petitioner and his brother in respect of their property. While that being so, the petitioner is the only brother, who was residing in Chennai and he died as Bachelor on 24.06.2020. In pursuant to his demise, the petitioner had applied for legal heirship certificate before the



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second respondent and also produced death certificate along with required documents. However, the said request was rejected by the second respondent on the ground that the petitioner resides at Coimbatore, whereas, his brother died in Chennai.

3. Admittedly, there is no rival claim and the petitioner submitted application for issuance of class-II legal heirship certificate on the demise of his brother. There is also no quarrel that the petitioner is the own brother of the deceased D.Gopalan. In fact, the petitioner and the deceased D.Gopalan were issued legal heirship certificate on the demise of their parents. The petitioner also produced the death certificate of his parents.

4. In view of the above facts and circumstances, the impugned order dated 09.07.2021 passed by the second respondent is hereby quashed, the second respondent is directed to issue legal heirship certificate to the petitioner on the demise of his brother, viz., D.Gopalan, within a period of four weeks from the date of receipt of a copy of this order, if the other requirements are fulfilled by the petitioner.



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5. In the result, this Writ Petition is allowed. No costs.

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Index:Yes/No

Neutral Citation/Yes/No

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To

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G.K.ILANTHIRAIYAN, J.

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