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W.P.No.26246 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.26246 of 2023

B.Kumar

...Petitioner
Vs.

1. The District Collector,
Cuddalore District,
Cuddalore.
 2. The Tahsildar,
Kurinjpadi Taluk,
Cuddalore District.
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 05.06.2020 bearing O.Mu.(A7)/1355A/2020 passed by the respondent No.2 and quash the same and consequently direct the respondent No.2 to issue class II legal heir certificate pursuant to the petitioner's representation dated 16.03.2020 within the time frame stipulated by this Court.

For Petitioner : Mr.V.Manikandan



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For R1 & R2 : Mr.V.Ramesh
Government Advocate

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ORDER

This writ petition is filed challenging the order passed by the second respondent rejecting the request of the petitioner seeking issue of legal heirship certificate in his favour on the death of his paternal aunt Kathirkamam and her husband Ramasamy.

2. It is the specific case of the petitioner that his paternal aunt and her husband died on 08.03.1994 and 19.08.1996 respectively, leaving behind the petitioner as class II legal heirs. The petitioner applied for legal heirship certificate only in the year 2020. The said application was dismissed by the second respondent mainly on two grounds. (i) The application has been submitted after a delay of 26 years and hence, there is a difficulty in finding out the legal heirs of the deceased persons. (ii) The petitioner being class II legal heirs of the deceased persons and their request cannot be entertained by the Revenue Department.



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3. The petitioner claims that he is the class II legal heir of the deceased persons. As far as Ramasamy is concerned, the petitioner cannot be treated as a class II legal heir as he is only brother's son of his wife Kathirkamam. Therefore, rejection of the petitioner's request insofar as the legal heirship of Ramasamy is concerned, I do not see any error in the order passed by the respondent.

4. The petitioner's father's sister Kathirkamam died on 08.03.1994. The petitioner submitted the application only in the year 2020, nearly after 26 years. In the impugned order, the second respondent clearly mentioned that he was not in a position to ascertain the legal heirs of the deceased persons after several years and relegated the petitioner to approach the Civil Court. Whether concerned person died issue less leaving behind class II heirs alone cannot be ascertained by respondents after 26 years from date of death. Hence, it is for the petitioner to approach the Civil Court for necessary declaration with regard to his legal status as alleged legal heir of the deceased persons. Accordingly, this writ petition is dismissed. No costs.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order
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S. SOUNTHAR, J.

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To

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