



WEB COPY



W.P.No.34539 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.34539 of 2024

S.Sukumaran

...Petitioner

Vs.

The Tahsildar,
Sholinganallur Taluk,
No.1, First Cross Street,
New Kumaran Nagar,
Sholinganallur - 600 119.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 02.10.2024 and issue legal heirship certificate of deceased Ms.P.Radha D/o Late Mr.Sankara Menon resided at Plot No.46, Govindasamy Nagar, 4th Street, Madipakkam, Chennai - 600 091.

For Petitioner : Mr.V.Ashvath Neelakandan

For Respondent : Mr.R.Neelakandan,
Additional Advocate General
assisted by Mr.S.Balamurugan
Government Advocate



W.P.No.34539 of 2024

WEB COPY

ORDER

The writ petition is filed seeking a direction to the respondent to consider his representation dated 02.10.2024 and to issue legal heirship certificate of deceased Ms.P.Radha D/o Late Mr.Sankara Menon resided at Plot No.46, Govindasamy Nagar, 4th Street, Madipakkam, Chennai - 600 091.

2. It is the case of the petitioner that he is the son of deceased Radha's predeceased sister Leela Amma. It is also stated that the deceased Radha died unmarried and the petitioner is the class II heir of the deceased Radha, in his capacity as son of the predeceased sister of said Radha. The petitioner wanted to apply for issuance of legal heir certificate. Since the distant relative like petitioner was not covered in the online portal, the petitioner submitted a representation to the respondent on 02.10.2024, seeking issuance of legal heir certificate and the same has not been considered till date. Therefore, the petitioner is before this Court.

3. Mr. Mr.R.Neelakandan, learned Additional Advocate General assisted by Mr.S.Balamurugan, learned Government Advocate, who takes notice for the respondent would submit that as per the guidelines issued by the Full Bench of



W.P.No.34539 of 2024

this Court in *P.Venkatachalam vs. The Tahsildar, Kumarapalayam Taluk,*

Namakkal District in W.P.No.25247 of 2021 and batch of cases, the Government passed two Government Orders in G.O.Ms.No.478 dated 29.09.2022 and G.O.Ms.No.110 dated 13.03.2024 framing certain guidelines regarding issuance of legal heir certificates. As per said guidelines, in case of death of unmarried persons, Tahsildar can issue legal heir certificate by including the names of parents and siblings. However, no guideline is issued in respect of sons of predeceased siblings. In view of the same, the learned Additional Advocate General submitted that the Tahsildar is not in a position to issue legal heir certificate and it is for the petitioner to work out his remedy before the Civil Court.

4. It is seen from the Government Orders in G.O.Ms.No.478 dated 29.09.2022 and G.O.Ms.No.110 dated 13.03.2024, the Tahsildar can issue legal heir certificate in case of death of unmarried persons by including names of their parents and siblings. However, no guidelines are issued for inclusion of names of sons or daughter of predeceased siblings.



W.P.No.34539 of 2024

5. In such circumstance, this Court is not inclined to issue any positive direction to the respondent and it is open to the petitioner to work out his remedy before the Civil Court. If any proceedings is initiated by the petitioner seeking declaration of his status as class - II heir of deceased, the same shall be disposed of, as expeditiously as possible.

6. With the above direction, this Writ Petition is disposed of. No costs.

25.11.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
av

To

The Tahsildar,
Sholinganallur Taluk,
No.1, First Cross Street,
New Kumaran Nagar,
Sholinganallur - 600 119.

S. SOUNTHAR, J.



WEB COPY



W.P.No.34539 of 2024

av

W.P No.34539 of 2024

25.11.2024