



W.P.No.35148 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 17.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.35148 of 2022

M.Chandran

... Petitioner

Vs.

1. The District Collector,
Chennai District, Chennai.

2. The Tahsildar, Perambur,
Chennai District.

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus, directing the second respondent to issue a legal heirship certificate to the petitioner in the light of G.O(Ms) No.478 dated 29.09.2022 by considering the petitioner's representation dated 24.11.2022, within the time frame fixed by this court.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.R.Neelakandan, Addl.Adv.General

Assisted by Mr.V.Ramesh, Govt.Adv.



W.P.No.35148 of 2022

ORDER

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The petitioner herein seeks a direction to the second respondent to issue legal heirship certificate by considering his representation dated 24.11.2022 within a time frame as fixed by this Court.

2. It is the case of the petitioner that he applied for the legal heirship certificate by his representation dated 26.05.2022 in his capacity as sole surviving heir of his in-laws family. In the representation dated 24.11.2022, the petitioner has not mentioned the details of the person, whose legal heirs certificate was applied for by the petitioner. However, a reading of the representation would suggest that the petitioner applied for legal heirs certificate of some members of his inlaws family. It is the further case of the petitioner that, he married one Premavathi, daughter of Namachivayam and Kodiammal, who died on 29.04.2005 and 02.12.2018 respectively and one Renukadevi is also their another daughter. The petitioner's wife Premavathi died on 07.09.2013. The sister of the petitioner's wife, namely Renukadevi died on 13.03.2021 without any issues and her husband also predeceased her. In such circumstances, the petitioner claimed himself as sole surviving legal heir of his in-laws family.



W.P.No.35148 of 2022

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3. In the counter affidavit filed by the second respondent, it is stated that, in the application of the petitioner dated 26.05.2022, the petitioner applied for legal heirs certificate of his wife's sister Renukadevi. The petitioner is not the legal heir of his wife's sister and hence, the said application was rejected by an order dated 26.08.2022.

4. The petitioner is not the legal heir of Renukadevi and hence, he is not entitled to file application seeking issuance of legal heir certificate of Renukadevi. Therefore, this court is not inclined to issue any positive direction to consider the representation of the petitioner seeking issuance of legal heirs certificate.

5. Accordingly, this writ petition is dismissed. There shall be no order as to costs. It is always open to the petitioner to workout his remedy before the civil court.

17.12.2024

Index:Yes/No
Internet:Yes/No
mst



W.P.No.35148 of 2022

To
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1. The District Collector,
Chennai District, Chennai.
2. The Tahsildar, Perambur,
Chennai District.



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W.P.No.35148 of 2022

S.SOUNTHAR, J.

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W.P.No.35148 of 2022

17.12.2024