



W.P.No.7978 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7978 of 2025
and W.M.P.No.8958 of 2025

Arasu S

.. Petitioner

Versus

The Thasildar,
Mylapore Taluk,
No.28, Raja Annamalipuram,
Chennai - 600 028.

.. Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus calling for records relating to the impugned order passed by the respondent vide Application No.TN-720220330398, dated 01.04.2024 and quash the same as illegal and consequently, direct the respondent to issue legal heir certificate in favour of the petitioner as legal heirs of late Subramaniam C.P @ Subramani respectively within the time that may be stipulated by this Court.

For Petitioner : Mr.I.Calvin Jones

For Respondents : Mr.R.Neelakandan,
Additional Advocate General,



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W.P.No.7978 of 2025

Asstd. by Mr.S.Balamurugan,
Government Advocate

ORDER

This Writ Petition is filed challenging the impugned order passed by the respondent in the application of the petitioner bearing Application No.TN-720220330398, dated 01.04.2024.

2. The legal heirship certificate was applied by the petitioner in respect of the death of one *C.P.Subramaniam @ Subramani*, who died on 19.12.1998. It seems that the death has been reported, but, so far, legal heirship certificate was never applied for. The respondents conducted an enquiry. Since they could not come to a conclusion as to who are the legal heirs, the application was rejected.

3. Once the death is reported, when an application is made for legal heirship certificate, it has to be determined as to who are the legal heirs.

Even if there is no other proof, the petitioner can be directed to file affidavits



W.P.No.7978 of 2025

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and he can also arrange for five affidavits of the persons known to the family which will include relatives and neighbours. On that basis, the report has to be forwarded to the respondent and ultimately, when there is no rival claim, each and every fact cannot be verified in view of the efflux of time. The best judgment has to be made on the basis of the available materials and the persons have to be declared as legal heirs.

4. In view thereof, this Writ Petition is disposed of on the following terms:-

(i) The impugned order, dated 01.04.2024 passed by the respondent shall stand set aside;

(ii) The petitioner shall appear before the respondent for further enquiry on 28.03.2025 and the respondent shall insist such documents/affidavits or relegate him to the concerned Revenue Inspector for further enquiry and the authorities shall make further enquiry and come to a conclusion by their best judgment as to who are all the legal heirs and



W.P.No.7978 of 2025

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include the names of that persons and issue legal heirship certificate;

(iii) The above exercise shall be completed within a period of 12 weeks from the date of receipt/production of a web-copy of this order without waiting for a certified copy of this order;

(iv) If necessary, until permission is granted to the respondent to reopen the same application, the parties can make a fresh application also;

(v) There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

07.03.2025

Neutral Citation : no

grs

To

The Thasildar,

Mylapore Taluk,

No.28, Raja Annamalipuram,

Chennai - 600 028.

D.BHARATHA CHAKRAVARTHY, J.

grs



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