

(2021) 10 KL CK 0135
In the High Court Of Kerala
Case No : Writ Petition (C) No. 8253 Of 2021

M. Vijayan

APPELLANT

Vs

Tahsildar Hosdurg Taluk, Kasargod

RESPONDENT

Date of Decision : 22-10-2021

Acts Referred:

Citation : (2021) 10 KL CK 0135

Hon'ble Judges : P.V.Kunhikrishnan, J

Bench : Single Bench

Advocate : K.Jayesh Mohankumar, Pushparajan Kodoth, Vandana Menon, Vimal Vijay, Rashmi.K.M

Final Decision : Disposed Of

Judgement

P.V.Kunhikrishnan, J

1. This writ petition is filed with following prayers:

- i. Issue a writ of mandamus or any other appropriate writ, order or direction directing the 1st respondent to issue the certified copy or a photocopy of the legal heirship certificate of deceased Raghavan.
- ii. Issue a writ of mandamus or any other appropriate writ, order or direction directing the 1st respondent to issue legal heirship certificate of deceased Raghavan after conducting enquiry.
- iii. Grant such other relief as this Hon'ble Court may deem fit and proper in the circumstances of the case.

2. It is the case of the petitioner that as per registered Sale Deed No.740 of 2011 dated 19.02.2011 of SRO, Kasaragod, he purchased an extent of 1 Acre 18 cents of land in R.S.No.626/1pt of Panayal Village, Kasaragod District from respondents 2 and 3, who are the wife and daughter of deceased K.Raghavan. It is stated in the writ petition that respondents 2 and 3 assigned the property contending that they are the only legal heirs of deceased Raghavan. Subsequently certain other

persons claimed that respondents 2 and 3 are not the only legal heirs of deceased Raghavan. Hence the petitioner approached respondents 2 and 3 to give a copy of the legal heir certificate which they did not give. Therefore a legal notice was issued to the 2nd respondent on 30.11.2020 which is produced as Ext.P2 in the writ petition. The 2nd respondent sent a reply to the legal notice, as evident from Ext.P3. Thereafter the petitioner submitted Ext.P4 representation before the 1st respondent to issue a certified copy or a photocopy of the legal heir certificate of late Kadayangan Raghavan. There is an alternative prayer also in Ext.P4 to the effect that, if no legal heir certificate is issued to anybody so far, then to conduct an enquiry and issue a legal heir certificate. Since there is no response, this writ petition is filed.

3. Heard the counsel for the petitioner, the Government Pleader and the counsel who is appearing for respondents 2 and 3.

4. The counsel for the petitioner reiterated his contentions in the writ petition. The counsel for respondents 2 and 3 submitted that respondents 2 and 3 have no objection in issuing a legal heir certificate of deceased Kadayangan Raghavan to the petitioner. The Government Pleader submitted that no legal heir certificate is issued to the legal heirs of Kadayangan Raghavan and before issuing such certificate, an enquiry is necessary.

5. After hearing both sides, I think this writ petition can be disposed directing the 1st respondent to consider Ext.P4 representation. When there is absolutely no objection from respondents 2 and 3, there is no problem for the 1st respondent to conduct an enquiry and issue a legal heir certificate of deceased Kadayangan Raghavan to the petitioner, especially because it is an admitted fact that the petitioner purchased the property from respondents 2 and 3, as evident from Ext.P1 sale deed.

Therefore, this writ petition is disposed in the following manner:

1. The 1st respondent is directed to consider Ext.P4 representation and take an appropriate decision in it in accordance to law, after affording an opportunity of hearing to the petitioner and respondents 2 and 3, as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment.

2. Based on the decision in Ext.P4, the 1st respondent can direct the petitioner to file an online application for legal heir certificate, if necessary.