



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.10.2015

WEB COPY

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THE HONOURABLE **MR. JUSTICE R. SUBBIAH**

W.P(MD) .No.18390 of 2015

M.Raghuraman

...Petitioner

Vs.

1.The Collector,
Madurai District, Madurai - 20.

2.The Tahsildhar,
Madurai East, Y.Othakadai, Madurai-23. ...Respondents

Prayer: This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the second respondent in Na.Ka.No.6680/15/A2 on 11.09.2015 and quash the same and consequently, directing the respondent herein to issue legal heirship certificate to the petitioner.

For Petitioner	: Mr.K.Suresh
For Respondents	: Mr.M.Murugan, Government Advocate

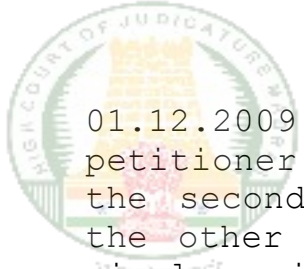
ORDER

The Writ Petition has been filed praying for a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the second respondent in Na.Ka.No.6680/15/A2 on 11.09.2015 and quash the same and consequently, directing the second respondent herein to issue legal heirship certificate to the petitioner.

2.Mr.M.Murugan, learned Government Advocate takes notice for the respondents.

3. By consent, the Writ Petition itself is taken up for final disposal.

4. In the affidavit it has been averred that the father of the petitioner namely one Muthirulan married one Ponnalagu and through her, he has got two children and the said Ponnalagu died on 05.08.1965 and thereafter, the father of the petitioner married one M.Amaravathi, who is the mother of the petitioner. Through the second marriage, the petitioner's father got six children including the petitioner herein. The petitioner's father died on



01.12.2009. After the demise of the petitioner's father, the petitioner herein applied for legal heirship certificate before the second respondent along with affidavit of no objection from the other legal heirs on 06.08.2015. But the second respondent simply rejected the petitioner's application on 11.09.2015 vide proceedings in Na.Ka.No.6680/15/A2 by stating the reason that the petitioner's father had more than one wife. Hence, the petitioner's request cannot be considered. Challenging the said order, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. The learned counsel for the petitioner submitted that only after the demise of the first wife, the petitioner's father married the mother of the petitioner in second marriage. But the second respondent without conducting any enquiry passed the impugned order and therefore, the same is liable to be set aside.

6. Considering the submissions made by the learned counsel for the petitioner, this Court is constrained to pass the following order:

The Writ Petition is allowed and the impugned order of the second respondent, dated 11.09.2015 in proceedings Na.Ka.No.6680/15/A2 is set aside. Further, the second respondent is directed to consider the application made by the petitioner, dated 06.08.2015 afresh by affording an opportunity of hearing to all the necessary parties and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is also directed to produce necessary documents to substantiate his claim. No Costs.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

pm

To

1.The Collector, Madurai District, Madurai - 20.

2.The Tahsildhar,

Madurai East, Y.Othakadai, Madurai-23.

+1cc to Mr.K.Suresh, Advocate Sr NO.60038

+1cc to Special Government Pleader Sr NO.604486

W.P(MD).No.18390 of 2015

09.10.2015

rg.16.10.2015/AMF/SAR-II 2P/5C.