



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2015

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE K. RAVICHANDRABABU

W.P. (MD) No. 20865 of 2015

1. Perumal Ammal
2. Chandran
3. Kalyani
4. Murugan
5. Krishnan

... Petitioners

Vs.

The Thasildhar,
Madurai South,
Madurai
District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, to call for the records in pursuance of the order passed by the Respondent in O.Mu.No.12775/2013/E3, dated 18.06.2013 and quash the same and consequently directing the respondent to issue legal heir certificate to the petitioners based on the application of petitioners dated 03.06.2013.

For Petitioner : Mr.S.J.Chakkaravarthy

For Respondents : Mr.M.Murugan
Government Advocate

O R D E R

Mr.M.Murugan, learned Government Advocate takes notice for the respondents and by consent of both the parties, the main Writ Petition itself is taken up for final disposal at the stage of admission.

2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The petitioners are aggrieved against the order passed by the respondent dated 18.06.2013, wherein and whereby the request of the petitioners to issue legal heirship certificate in pursuant to the death of Mr.Ramasamy Chettiar, who is the husband of the first petitioner and father of the petitioners 2 to 5, was rejected only on the ground that the petitioners have made the application only 17 years of the death of the said person.

4. Perusal of the impugned order would show that the respondent has rejected the request of the petitioners by stating



that the said person died on 05.07.1996 and therefore, the respondent is not in a position to find out the legal heirs of the deceased. Therefore, the respondent directed the petitioners to approach the Civil Court and seek remedy.

5. I am not able to appreciate the reasoning stated in the impugned order for rejecting the request of the petitioners merely because the said Ramasamy Chettiar died 17 years ago as that would not be a bar for the respondent to consider the application for issuing legal heirship certificate, as the respondent is entitled to make an enquiry in the village, where the petitioners are residing and also by calling upon the petitioners to produce any material documents in support of their claim. Without doing so, directing the petitioners to approach the Civil Court by vaguely stating that the respondent is not in a position to ascertain the facts, can not be accepted as a proper course of action. Accordingly, this Court is inclined to set aside the impugned order and remit the matter back to the respondent for considering the claim of the petitioners afresh on merits and in accordance with law.

6. Consequently, this Writ Petition is allowed and the impugned order is set aside and the matter is remitted back to the respondent to consider the claim of the petitioners afresh, and pass orders after conducting proper enquiry in the village and also by giving due opportunity of hearing to all the petitioners. Such exercise shall be done by the respondent within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

The Thasildhar,

Madurai South,

Madurai District.

+One cc to Mr.S.J.Chakkaravarthy, Advocate, SR.No.67315

+One cc to The Special Government Pleader, SR.No.67360

PJL

RL/4C/PM/3/12/2015