



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2015

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
W.P. (MD)No.20899 of 2015

Uppiliyappan

... Petitioner

Vs.

1.The District Collector,
Karur District.

2.The Thasildhar,
Karur District.

... Respondents

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 of the 2nd respondent in Na.Ka.A2/11852/2013 dated 03.10.2013 and quash the same and consequently direct the 2nd respondent to issue legal heir certificate of the deceased Rengamannar at once.

For Petitioner : M/s.P.Ganapathi Subramanian

For Respondents: Mr.S.Kumar

Additional Government Pleader

O R D E R

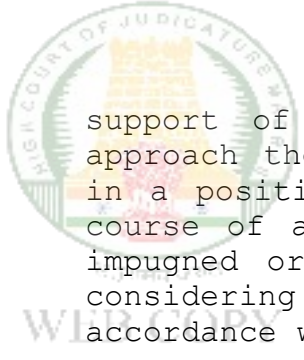
Mr.S.Kumar, learned Additional Government Pleader takes notice for the respondents and by consent of both the parties, the main Writ Petition itself is taken up for final disposal at the stage of admission.

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

3. The petitioner is aggrieved against the order passed by the second respondent dated 03.10.2013 wherein and whereby the request of the petitioner to issue legal heirship certificate in pursuant to the death of his younger paternal uncle namely T.V.Rengamannar was rejected only on the ground that the petitioner has made the application after 14 years of the death of the said person.

4. Perusal of the impugned order would show that the second respondent has rejected the request of the petitioner by stating that his younger paternal uncle died on 24.09.1999 and therefore the respondent is not in a position to find out the legal heirs of the deceased. Therefore, the second respondent directed the petitioner 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 petitioner merely because the petitioner's younger paternal uncle died 14 years ago as that would not be a bar for the second respondent to consider the application for issuing legal heirship certificate as the second respondent is entitled to make an enquiry in the village, where the petitioner is residing and also by calling upon the petitioner to produce any material documents in



support of his claim. Without doing so, directing the petitioner to approach the Civil Court by vaguely stating that the respondents 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 second respondent for considering the claim of the petitioner 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 second respondent to consider the claim of the petitioner, and pass orders after conducting proper enquiry in the village and also by giving due opportunity of hearing to the petitioner. Such exercises shall be done by the second respondent within a period of twelve weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Karur District.

2.The Thasildhar,
Karur District.

+1cc to M/s.P.Ganapathisubramanian, Advocate SR.No.67495
+1cc to special Government Pleader SR.No.67369

sh:AAL-MPA:10.12.2015:2P/5C

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