



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2016

CORAM

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

Writ Petition No.10831 of 2015

and

M.P. (MD).No.1 of 2015

K.Shanthi

... Petitioner

Vs.

The Tahsildar,
Madurai North,
Madurai.

... Respondent

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the impugned order vide No. Pa.Mu.No.15109/2014/D1 dated 20.11.2014 on the file of the respondent and quash the same and directing the respondent to pass an order on merits on the basis of the petitioner's representation dated 20.06.2015 as per the provisions of Hindu Law of Inheritance to issue fresh legal heir certificate in the petitioner's name since she is the sole class I legal heir and pass such further or other orders.

For Petitioner : Mr.R.Murugan

For Respondent : Mr.S.Kumar

Additional Govt. Pleader

O R D E R

Heard both sides.

2. According to the Petitioner, her husband deserted her and her children very long back and eloped with her servant maid and never cared about the family. Apart from that, her only son K.Jaiganesh Ram suddenly expired on 26.12.2013 due to mental agony and shock due to the negligent attitude of her husband. In fact, her husband had not attended even the cremation of her beloved son K.Jaiganesh Ram.

3.The stand of the petitioner is that she had applied for Legal Heir Certificate and that the respondent/Tahsildar, Madurai North, Madurai District, issued a Legal Heir Certificate dated 20.11.2014 in her name along with her husband's name viz., Mr.Kannan.



to issue a Legal Heir Certificate only in her name, as she is the only class-I legal heir available under the the Hindu Succession Act. Also that, she submitted a representation on 20.06.2015 and met the respondent on 25.06.2015, thereby making a request to issue a modified Legal Heir Certificate in the name of class-I legal heir, for which, the respondent had advised her to obtain an order from the competent Court of jurisdiction.

5. It is to be noted that the petitioner, on 20.06.2015, had addressed a representation to the respondent/Tahsildar, Madurai North, Madurai, whereby and whereunder, she had prayed for issuance of Legal Heir Certificate only to her, since she claims that she is the class-I legal heir.

6. In view of the fact that the relief sought for by the petitioner in the main writ petition is only to consider the representation dated 20.06.2015 by the respondent/Tahsildar, Madurai North, Madurai District, this Court, in the interest of Justice and Fair Play, directs the respondent/Tahsildar, Madurai North, Madurai District to look into the representation of the petitioner dated 20.06.2015 with all seriousness and to pass a reasoned order on merits in a dispassionate manner and also with an open mind, within a period of four weeks from the date of receipt of a copy of this order, (of-course after providing necessary opportunity to the petitioner by adhering to the principles of Natural Justice) in the manner known to Law and in accordance with Law.

7. With the aforesaid observation/direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar (CS-I)

/TRUE COPY/

Sub Assistant Registrar

To
The Tahsildar,
Madurai North,
Madurai.

+1cc to M/S.R.Murugan, Advocate in SR.No.28611
+1cc to Special Government Pleader in SR.No.28734

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vs

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