



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.16915 of 2015

Muthammal

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

3.The Thasildhar,
Sankarankovil Taluk,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the entire records pertaining to the 3rd respondent proceedings No.Mu.Mu.(B1) 9124/2015, dated 28.05.2015 and quash the same as illegal and direct the 3rd respondent to consider the petitioner's representation, dated 08.06.2015 and direct them to issue legal heir certificate to the petitioner including her adoption children name.

For Petitioner : Mr.S.Krishnan
For Respondents : Mr.R.Anandharaj,
Government Advocate

ORDER

The petitioner has filed this Writ Petition challenging the order passed by the Tahsildar, Sankarankovil, refusing her to issue Legal Heir Certificate.

2. The petitioner is the wife of one Sanakarapandian, who was working as an Assistant Training Officer at Government Industrial Training Institute, Veerakeralamputhur, Tirunelveli District. They have no issues, they have adopted one Sankara Avdaiammal. The same was also duly registered before the Sub-Registrar, Sankarankovil on 09.02.1993 and during the lifetime



of the said Sankarapandian, the name of above said Sankara Avdaiammal has been nominated in the family pension scheme, as his nominee. Subsequently, the said Sankarapandian, died on 27.08.2013. Hence, the petitioner has made an application before the third respondent to issue Legal Heir Certificate. Subsequently, based on the said application, the Revenue Inspector also conducted enquiry. The petitioner and the family members appeared for enquiry and produced the Adoption Deed. But the third respondent had mechanically rejected the said application stating that the petitioner has to get a Legal Heir Certificate from the competent civil Court. Hence, this Writ Petition.

3. The learned counsel for the petitioner submitted that there is no dispute that the petitioner and her husband adopted the above said Sanakara Avdaiammal. In the Family Pension Scheme also, during the lifetime of Sankarapandian, she was mentioned as the nominee. Since the adopted girl is a direct legal heir, the third respondent cannot direct the petitioner to approach the civil Court.

4. Heard the submissions and perused the materials available on record.

5. This Court finds force in the arguments made by the learned counsel appearing for the petitioner. Since the petitioner has produced the Registered Adoption Deed and the name of the adopted daughter was only nominated by the deceased during his lifetime in the Family Pension Scheme and there is no rival claim, the Thasildhar ought to have considered the application of the petitioner and pass suitable orders after conducting enquiry, without driving the petitioner to approach the civil Court.

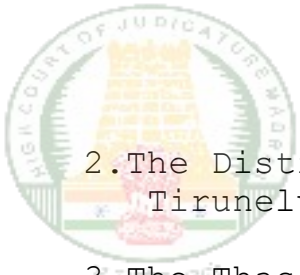
6. In the result, the Writ Petition is allowed. The impugned order passed by the third respondent, dated 28.05.2015, is hereby set aside. The third respondent is directed to conduct enquiry and satisfy himself regarding genuineness of adoption and issue Legal Heir Certificate, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No Costs.

Sd/-
Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To



2.The District Revenue Officer, Tirunelveli District,
Tirunelveli.

3.The Thasildhar,
Sankarankovil Taluk,
Tirunelveli District.

+1cc to Mr.S.Krishnan, Advocate SR.No.56176

+1cc to the special Government Pleader SR.No.56077

pm

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W.P (MD) No.16915 of 2015
26.09.2016