



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.(MD)No.4673 of 2015

Chandrasekar

... Petitioner

Vs.

The Tahsildar,
Ottapidaram Taluk,
Ottapidaram,
Thoothukudi District.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the respondent in O.Mu.A1/10623/2013 dated 30.04.2014 and quash the same as illegal and consequently directing the respondent to issue the legal heir certificate to the petitioner for his deceased mother namely Thangammal concerned.

For Petitioner : Mr.D.Srinivasa Raghavan

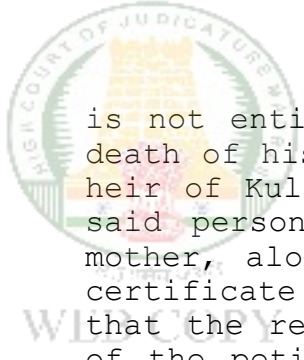
For Respondent : Mr.M.Murugan
Government Advocate

ORDER

The petitioner is aggrieved against the order of the respondent rejecting the request for grant of legal heirship certificate pursuant to the death of his mother by name Thangammal. The petitioner is the son of one S.Kulanthai Alwar through his second wife viz., Thangammal. After the death of the said Kulanthai Alwar, a legal heirship certificate was issued by the Tahsildar on 12.02.2013 showing the first wife of the deceased and children born through her as well as the children through the second wife as the legal heirs of the deceased. The petitioner's name also found place in the certificate. However, the petitioner's mother died on 21.09.2013 leaving the petitioner and another son by name Rajasekar as her legal heirs. When the petitioner wanted the respondent Tahsildar to issue a legal heirship certificate in pursuant to the death of his mother by name Thangammal, the present impugned order came to be passed stating that there is no provisions for issuing separate legal heirship certificate for the children born through the second wife.

2. Heard both sides.

3. It is not in dispute that the petitioner and another person by name Rajasekar are the legal heirs of the said Thangammal who happened to be the second wife of the other person by name Kulanthai Alwar. It is not in dispute that the petitioner and the said Rajasekar were shown as legal heirs of Kulanthai Alwar in a certificate issued by the Tahsildar dated 12.02.2013. But that does not mean that the petitioner



is not entitled to get a separate legal heirship certificate, after the death of his mother by name Thangammal, who admittedly not shown as legal heir of Kulanthai Alwar, since she happened to be the second wife of the said person. Therefore the petitioner being the son of the deceased mother, along with another son, is entitled to have the legal heirship certificate in pursuant to the death of his mother. Consequently I find that the reasons stated in the impugned order for rejecting the request of the petitioner cannot be sustained. Accordingly, the impugned order is set aside and the matter is remitted back to the respondent to consider the claim of the petitioner and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

4. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

To

The Tahsildar,
Ottapidaram Taluk,
Ottapidaram,
Thoothukudi District.

+1CC to Mr.D.Anbarasu, Advocate, SR.No. 860
+1CC to The Special Government Pleader SR.No. 680.

W.P. (MD) No.4673 of 2015
05.01.2016

AM/11.01.2016/AAL.MPA/2P/4C