



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.06.2016**

CORAM

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

Writ Petition (MD). No.10711 of 2016

WEB COPY

S.Arumugam

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Thirupparankundram,
Madurai South Taluk,
Madurai District.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the letter O.Mu.No.282/2016/14 dated 04.03.2016 on the file of the 2nd respondent and quash the same and to direct the 2nd respondent to issue legal heirship certificate by taking the petitioner's application dated 11.01.2016 into file.

For Petitioner	:Mr.S.Mahesh Babu
For Respondent	:Mr.J.Gunaseelan Muthiah Govt. Advocate

O R D E R

Heard both sides.

2. By consent, the main writ petition itself is taken up for final disposal.

3. According to the petitioner, he is doing agricultural work and his father Thiru.S.Shanmuga Sundaram Pillai died intestate on 20.07.1955 leaving behind the petitioner, his mother and his sister Gandhi. His sister Gandhi died in the year 1974 itself. His mother Kamachiammal expired on 02.12.2006 leaving behind the petitioner as a sole legal heir.

4. The principal stand taken on behalf of the petitioner is that he is the sole legal heir of his deceased father Shanmuga Sundaram Pillai. Because of lack of education, he has no knowledge to obtain a Legal Heir Certificate, after the demise of his father. However, he made a representation to the second respondent/Tahsildar, Thirupparankundram, on 11.01.2016 and that the second respondent/Tahsildar, passed the impugned order on 04.03.2016 *inter alia* stating that 60 years have elapsed, after the demise of his father Shanmuga Sundaram Pillai and therefore,



advised the petitioner to approach the Court of Law for redressal of his grievance.

5. Considering the fact that the relief sought for by the petitioner in the writ petition, is only for passing of an order by this Court in directing the second respondent/Tahsildar, Thirupparankundram, Madurai South Taluk, Madurai District to issue Legal Heir Certificate, by taking the petitioner's application dated 11.01.2016 and also this Court, on going through the impugned order passed by the second respondent/Tahsildar, Thirupparankundram, Madurai South Taluk, Madurai District, comes to an inevitable conclusion that the impugned order of the second respondent dated 04.03.2016 is not valid in the eye of Law. Accordingly, this Court sets aside the same and directs the second respondent/ Tahsildar, Thirupparankundram, Madurai South Taluk, Madurai District to consider the application of the petitioner in the manner known to Law and in accordance with Law and to dispose of the same afresh by passing a reasoned, speaking order on merits in an unbiased, free and fair manner and that to uninfluenced and untrammelled with any of the observations made by this Court within a period of four weeks from the date of receipt of a copy of this order. It is open to the second respondent to cause necessary enquiries and also to take into account such relevant records/documents to be furnished by the petitioner or produced by the petitioner already and to pass the order in question within the time determined by this Court. It is made clear that the second respondent shall act diligently and got-speed manner in the subject matter in issue.

6. With the aforesaid observations and directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

VS

To

1.The District Collector, Madurai District, Madurai.

2.The Tahsildar, Thirupparankundram,
Madurai South Taluk, Madurai District.

+1 cc to M/s.S.Makesh Babu, Advocate in SR.No.31360

+1 cc to The Special Government Pleader in SR.No. 31338

vs

CSL/SK-SKN/30.06.2016 : 2p/5c

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