



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
W.P. (MD) No.1260 of 2016

Thulasimani

... Petitioner

Vs.

The Thasildar,
Dindigul East Taluk Office,
Dindigul 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 record pertaining to the impugned order passed by the respondent in his proceedings O.Mu.No.15242/2015/A1 dated 14.11.2015 and quash the same and consequently direct the respondent to issue legal heirship certificate to the petitioner.

For Petitioner	:Mr.V.Palanichamy
For Respondents	:Mr.M.Murugan
	Government Advocate

ORDER

Mr.M.Murugan, learned Government Advocate takes notice for the respondents.

2. By consent of both parties, the writ petition is taken up for disposal at the admission stage itself.

3. The petitioner is aggrieved against the order of the Tahsildar who is the respondent herein, wherein and whereby the request of the petitioner for grant of legal heirship certificate was rejected on the reason that her father died 48 years ago and therefore, the Tahsildar is not in a position to ascertain as to who are the legal heirs of the deceased.

4. In my considered view such reasoning of the respondent for rejecting the request of the petitioner cannot be accepted on the reason that the respondent is not without any machinery or subordinates to conduct an enquiry and ascertain the facts from the village. Needless to say that the respondent can direct the Village Administrative Officer of that particular village where the deceased lived, to conduct enquiry and file a report. Therefore the order of the respondent rejecting the request of the petitioner cannot be sustained. Accordingly, this Writ Petition is allowed and the impugned order is set aside and the matter is remitted back to the respondent to conduct the enquiry in the locality and thereafter to pass an order on merits and in accordance with law. Such exercise shall be done within a period of twelve weeks from the date of receipt of a copy of this order.



5. With the above directions this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To
The Thasildar,
Dindigul East Taluk Office,
Dindigul District.

+1 CC to Mr.V.PALANISAMY, Advocate, SR No.3286
+1 CC to the Special Government Pleader, SR No.3821

W.P. (MD) No.1260 of 2016
21.01.2016

ssl
SH/GSV-AN:08.02.2016:2P/4C