



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.22743 of 2016

Rukmani

... Petitioner

Vs.

The Tahsildar,
Taluk Office,
Collectorate Campus,
Madurai North Taluk,
Madurai District - 625 020.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned memorandum issued by the respondent in Moo.Mu.No.18089/15/T1, dated 08.02.2016, quash the same and consequently direct the respondent herein to issue Legal Heirship Certificate to the petitioner with inclusion of all her family members.

For Petitioner	: Mr.A.Saravanan
For Respondent	: Mr.J.Gunaseelan Muthiah Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

2.The petitioner has filed the present Writ Petition challenging the order passed by the respondent refusing to issue Legal Heirship Certificate.

3.According to the petitioner, her husband Nayagam died on 02.03.1985 leaving behind the petitioner and four children. On 22.09.2015, the petitioner filed an application seeking for Legal Heirship Certificate by enclosing all the documents. But, the respondent rejected the application on the ground that the Legal Heirship Certificate was issued to the petitioner, hence, no fresh certificate can be issued. Challenging the above order, the



4.The learned counsel for the petitioner submitted that the petitioner has already produced all the necessary documents viz., Death Certificate and other Certificates. Without considering the same, the respondent rejected the application on the ground that already a Legal Heirship Certificate was issued to her.

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5.The learned counsel for the respondent would submit that already Legal Heirship Certificate was issued to the petitioner. Hence, there is no question of issuing another Legal Heirship Certificate. But, according to the petitioner, she was not issued with any Certificate at all.

6.In the above circumstances, since the issue is relating to the earlier Certificate issued is disputed, the respondent is directed to consider the petitioner's application afresh based on the material filed by the petitioner and pass suitable orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To
The Tahsildar,
Taluk Office,
Collectorate Campus,
Madurai North Taluk,
Madurai District - 625 020.

+1cc to Mr.A.Saravanan, Advocate SR.No.74263

ps

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W.P (MD) No.22743 of 2016
30.11.2016