



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 29.11.2016

Coram

THE HON'BLE MR.JUSTICE **V.BHARATHIDASAN**

Writ Petition (MD)No.22981 of 2016

and

W.M.P. (MD) .No.16459 of 2016

M.NOOR BADUSHA

. . . Petitioner

-Vs-

THE TAHSILDAR

O/O. THE TAHSILDAR OFFICE,

NORTH TALUK

MADURAI DISTRICT.

. . . Respondent

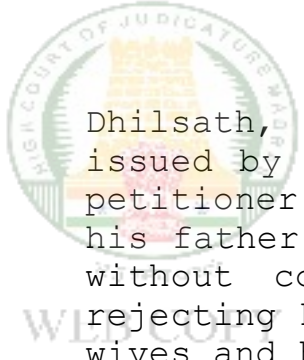
Prayer: Writ Petition is filed under Article 226 of the Constitution of India calling for the records relating to the impugned order passed by the respondent in his proceedings in Moo.Mu.No. 12014/16/Si.2 dated 27.10.2016 and quash the same as illegal and consequently to direct the respondents to issue Legal Heir Certificate to the petitioner by considering his application dated 08.09.2016 within the period that may be stipulated by this Honourable Court.

For petitioner	: Mr. C. Venkatesh Kumar for M/s.Ajmal Associates
For respondents	: Mr. N.S. Karthikeyan, Additional Government Pleader

ORDER

Challenging the order passed by the respondent, rejecting the petitioner's application for issuance of a legal heir certificate, the present writ petition has been filed.

2.According to the petitioner, the petitioner's father one N.Mydeen died on 07.03.2016 leaving behind him his wife (the petitioner's mother), one daughter (petitioner's sister) and one son (the petitioner herein). Thereafter, the petitioner being the son of the deceased Mydeen filed an application before the respondent on 08.09.2016 for issuance of legal heir certificate. At the time of filing the application, the petitioner also merely stated that his father had two wives and his first wife Dhilsath has died issueless. Even during the life time of the said Dhilsath, with her consent, his father married one Jeenath as second wife and out of this wedlock, they have two children, viz., M.Nazeem (petitioner's sister) and M.Noor Badusha (petitioner herein). According to the petitioner, after the death of the said



Dhilsath, a Death Certificate and a Legal Heir Certificate were issued by the Tahsildar in favour of his deceased father and the petitioner also enclosed the said Certificates, issued in favour his father along with his application, dated 08.09.2016. However, without considering the same, the respondent passed an order rejecting his application stating that the deceased Mydeen had two wives and hence, no Legal Heir Certificate could be issued.

3.A perusal of the records, it could be seen that at the time of filing the petition, the petitioner filed the Death Certificate of the first wife of his father and the Legal Heir certificate, issued in favour of his father, after the death of his first wife, but without considering the same, the first respondent rejected the petitioner's application.

4.Heard the submissions made on either side and perused the material documents carefully.

5.Considering the facts and circumstances of the case, this Court is of the view that the act of the respondent is highly unjust and it is against the principles of natural justice. Hence, the impugned order dated 27.10.2016 is set aside and the matter is remanded back to the respondent for passing fresh orders. The respondent is directed to take up the matter and consider the same afresh, after issuing notice to the parties and after considering the death certificate and legal heir certificate, issued for the first wife of the petitioner's father and pass orders, within a period of six weeks from the date of receipt of a copy of this order.

6.In the result, the writ petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

THE TAHSILDAR
O/O. THE TAHSILDAR OFFICE,
NORTH TALUK
MADURAI DISTRICT.

+1 cc to M/s.Ajmal Associates in SR.No.74059

<https://hcservices.ecourts.gov.in/hcservices/>

+1 cc to Special Government Pleader in SR.No.74213



VS

TTN/10.01.2017 : 3P-4C

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