



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2017

CORAM :

THE HONOURABLE JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.12724 of 2017

and

W.M.P. (MD) No.9837 of 2017

S.Ramesh

... Petitioner

Vs.

1.The District Collector,
Tiruchirapalli District,
Trichy.

2.The Revenue Divisional Officer,
Srirangam Taluk,
Tiruchirapalli District.

3.The Tahsildar,
Srirangam Taluk,
Tiruchirapalli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue of a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the order of the third respondent in O.Mu.Aa4/427/2017 dated 27.01.2017 and quash the same and consequently, direct the third respondent to issue a legal heirship certificate to the petitioner as per the application submitted by the petitioner to the third respondent on 05.01.2017.

For Petitioner : Mr.Puhazh Gandhi
For Respondents : Mr.G.Muthukannan,
Government Advocate

O R D E R

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the order of the third respondent in O.Mu.Aa4/427/2017 dated 27.01.2017 and quash the same and consequently, direct the third respondent to issue a legal heirship certificate to the petitioner as per the application submitted by the petitioner to the third respondent on 05.01.2017.

2. According to the petitioner, his father, C.Subramaniam, had two wives and the petitioner is the son, born through his first wife, namely, Mrs.Subbulakshmi. His father died on 02.12.2016, leaving behind the petitioner and his brother Mr.Ravichandran and his step mother Mrs.S.Marikannu, as his legal heirs. It is further stated that the petitioner's mother already



passed away.

3. It is seen that the petitioner approached the third respondent and submitted an application dated 05.01.2017, seeking issuance of a legal heir certificate, however, it was rejected on the ground that the petitioner's father had two wives.

4. Mr.G.Muthukannan, learned Government Advocate appearing for the respondents, on instructions, submitted that during the enquiry, the petitioner did not produce the Death Certificate of his mother Mrs.Subbulakshmi, if the death certificate of his mother is produced, the third respondent would consider the petitioner's application and pass orders on merits.

5. The learned counsel for the petitioner would submit that if an opportunity is afforded he is ready to produce all the relevant documents during the enquiry.

6. In view of the above submissions, the impugned order, dated 27.01.2017, passed by the third respondent is quashed and the third respondent shall conduct an enquiry afresh and pass appropriate orders on merits and in accordance with law after affording due opportunity of hearing to the petitioner as well as the interested parties, if any. The entire exercise shall be done within a period of eight weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is allowed. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Tiruchirapalli District,
Trichy.
- 2.The Revenue Divisional Officer,
Srirangam Taluk,
Tiruchirapalli District.
- 3.The Tahsildar,
Srirangam Taluk,
Tiruchirapalli District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. NO.67282

+1cc to Mr.PUHAZH GHANDHI Advocate in SR. No.67063

CMR/RSB

JS/MMR/SAR.1/4.8.2017/3P-6C

W.P. (MD) No.12724 of 2017

and

W.M.P. (MD) No.9837 of 2017

21.07.2017