



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 16.03.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P(MD)No.3990 of 2017

M.Adaikan

.. Petitioner

Vs

1. The District Collector,
Pudukkottai,
Pudukkottai District.

2. The Tahsildar,
Illupur Taluk,
Pudukkottai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent in Mu.M.A1/7126/2016, dated 30.12.2016 and to quash the same as illegal and in consequence thereof to direct the second respondent to issue the legal heir certificate to the Petitioner in accordance with law.

For Petitioner : M/s.P.Ganapathi Subramanian
For Respondents : Mr.D.Muruganandam
Addl.Govt.Pleader

ORDER

The Petitioner has approached this Court seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the second respondent in Mu.M.A1/7126/2016, dated 30.12.2016 and to quash the same as illegal and in consequence thereof to direct the second respondent to issue the legal heir certificate to the Petitioner in accordance with law.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court. The second respondent has filed his reply and along with reply statement, copy of the instructions issued by the Government, dated 28.11.1991 is also enclosed.

3. According to the instructions, the legal heirship certificate issued by the Tahsildar cannot be considered as equivalent to direct legal heirship certificate issued by the Courts under the Indian



Succession Act, 1925.

4. In view of the above instructions, the learned counsel for the Petitioner seeks permission time to approach the Civil Court to work out his remedy.

5. In such view of the matter, the Writ Petition is dismissed with liberty to the Petitioner to approach the Civil Court for obtaining the relief for legal heirship certificate. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Pudukkottai,
Pudukkottai District.
2. The Tahsildar,
Illupur Taluk,
Pudukkottai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 15522

VSN

TE/MMS : 28/03/2017 : 2P/4C

W.P (MD) No. 3990 of 2017

16.03.2017