



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD)No.18296 of 2016

P.Chennaiah

... Petitioner

Vs.

The Thasildar,  
Athur Taluk,  
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 Mu.Mu.No.2110/16/A2 dated 07.04.2016 and quash the same and consequently direct the respondent to issue legal heirship certificate to the petitioner.

For Petitioner : Mr.V.Palanichamy  
For Respondent : Mr.T.S.Mohamed Mohideen  
Additional Government Pleader

### ORDER

This writ petition has been filed seeking to quash the impugned order dated 07.04.2016 passed by the respondent and consequently to direct the respondent to issue legal heirship certificate to the petitioner.

2. By consent of both parties, the writ petition is taken up for final disposal.

3. According to the learned Counsel for the petitioner, the respondent passed the impugned order in and by which, the request of the petitioner for grant of legal heirship certificate was rejected on the reason that her father died 49 years ago and therefore, the respondent is not in a position to ascertain as to who are the legal heirs of the deceased.



4. Heard the learned Counsel on either side.

5. In my considered view, such reasoning of the respondent for rejecting the request of the petitioner cannot be accepted for the reason that the respondent is not without any machinery or subordinates to conduct an enquiry and ascertain the facts from the villagers. Needless to say, the respondent can direct the Village Administrative Officer of that particular village, where the deceased lived, to conduct enquiry and file a report.

6. Therefore the order of the respondent rejecting the request of the petitioner cannot be sustained in the eye of law.

7. Accordingly, this Writ Petition is allowed and the impugned order is set aside and the matter is remitted back to the respondent to consider the claim of the petitioner afresh, after conducting proper enquiry in the locality and thereafter, pass appropriate orders on merits and in accordance with law. Such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-  
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

The Thasildar,  
Athur Taluk,  
Dindigul District.

+1cc to M/S.V.PALANICHAMY, Advocate SR.No.90067.  
+1cc to Special Government Pleader in SR.No.90526.

W.P. (MD) No.18296 of 2016  
29.11.2017

rm

SDS/MR:KKR/SAR 1/18.12.2017/2P/4C