



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.05.2017

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P (MD) .No.9020 of 2017

S.Udhaya Kumar

... Petitioner

Vs.

The Tahsildar,
Office of the Tahsildar,
Madurai West Taluk,
Madurai.

...Respondent

Prayer: This Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records connected with the impugned intimation in O.Mu.No.1669/2016/C, dated 23.03.2017 signed on 30.03.2017 on the file of the respondent and quash the same as illegal consequently directing the respondent to issue a legal heir certificate for the death of the petitioner's elder sister by name Mary @ Yesumary, D/o. Sonai @ Sonaiyan based on the application dated 12.01.2017 within the time stipulated by this Court.

For Petitioner
For Respondent

: Mr.I. Sabeer Mohammed
: Mr.J. Gunaseelan Muthaiah
Government Advocate

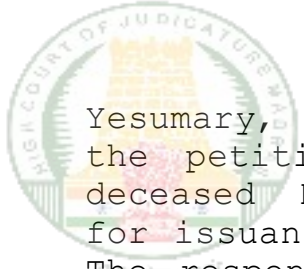
ORDER

This Writ Petition has been filed to call for the records connected with the impugned intimation in O.Mu.No.1669/2016/C, dated 23.03.2017 signed on 30.03.2017, on the file of the respondent and quash the same as illegal consequently, directing the respondent to issue a legal heir certificate for the death of the petitioner's elder sister by name Mary @ Yesumary, D/o. Sonai @ Sonaiyan based on the application dated, 12.01.2017, within the time stipulated by this Court.

2. Mr.J.Gunaseelan Muthaiah, learned Government Advocate takes notice on behalf of the respondent.

3. Heard the learned counsels appearing on either side.

<https://hcservices.courts.gov.in/hcservices/>
4. The learned counsel appearing for the petitioner submitted that the petitioner is the brother of one Mary @ Yesumary, D/o. Sonai @ Sonaiyan, neither of the parents are alive, Mary @



Yesumary, died as spinster on 23.09.2016. He further added that the petitioner is only Class - II legal heir of the of the deceased Mary @ Yesumary and hence, he approached the respondent for issuance of legal heir certificate of his sister in his name. The respondent after conducting enquiry rejected his application stating that he is not a legal heir.

5. In support of his contention, the learned counsel appearing for the petitioner has produced the earlier decision of this Court dated 22.04.2016 made in W.P(MD).No.28861 of 2015 and submitted that Class-II heir is entitled to be considered for issuance of legal heir certificate.

6. In view of the earlier decision passed by this Court, the impugned order passed by the respondent is hereby set aside. The petitioner is directed to file a fresh application before the respondent, within a period of 15 days from the date of receipt of a copy of this order. In case any such application is made, the respondent is directed to conduct an enquiry and decide the matter as expeditiously as possible and in any event not later than eight weeks, thereafter.

7. With the above directions, the Writ Petition is dispose of. No costs.

Sd/-
Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

The Tahsildar,
Office of the Tahsildar,
Madurai West Taluk,
Madurai

+One cc to The Special Government Pleader, SR.No.56753

+One cc to Mr.I.Sabeer Mohamed, Advocate, SR.No.56615

trp/msa
RL/4C/2P/SKN/SAR1/29.5.2017