



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.08.2018
CORAM :
THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD).No.17310 of 2018

WEB COPY

S.Velammal

...Petitioner

Vs.

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The Tahsildar,
Virudhunagar Taluk, Virudhunagar.

3.The Village Administrative Officer,
Virudhunagar Taluk, Virudhunagar. ... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to issue Legal Heir Certificates to the petitioner for her deceased adopted parents namely A.Subbaiah and Azhagammal those who died on 15.03.2016 and 09.12.2016 respectively leaving the petitioner alone as their only Legal Heir by considering applications of the petitioner dated 14.06.2018 and 10.07.2018 respectively within a time frame as fixed by this Court.

For Petitioner
For R1 to R3

: Mr.R.Babu Jaganath
: Mr.M.Jeyakumar
Additional Government Pleader

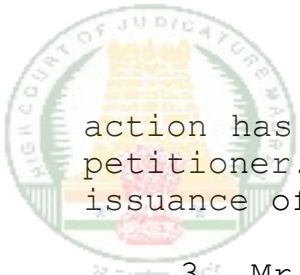
ORDER

The case of the petitioner is as follows:-

1.1. The petitioner was adopted by her mother's elder sister viz., Azhagammal and her husband A.Subbiah, when she was two years old, by way of customary adoption. After the adoption, in the Community Certificate, Transfer Certificate and other documents, it was mentioned that she was the daughter of the adopted parents. On 15.03.2016, the petitioner's adopted father died and she was taken care of by her mother. Her adopted mother has written a Will dated 01.04.2016 in favour of her. Subsequently, it appears that the mother also died on 09.12.2016.

1.2. After the death of both the adopted parents, the petitioner had submitted applications on 14.06.2018 and 10.07.2018 to the second respondent for issuance of the Legal Heir Certificate.

2. According to the learned counsel for the petitioner, an online application was also sent as per the advice of the second respondent. However, despite an application being submitted, no



action has been taken for issuing the Legal Heir Certificate to the petitioner. Therefore, the petitioner is before this Court for issuance of Writ of Mandamus.

3. Mr.M.Jeyakumar, learned Additional Government Pleader, who takes notice for the respondents would submit that the second respondent may be directed to conduct an enquiry and pass orders on the basis of the findings of the enquiry.

4. Considering the limited scope of the prayer sought for in this Writ Petition, the following direction is issued:-

"The second respondent is directed to conduct an enquiry into the claim of the petitioner in pursuance of her representations dated 14.06.2018 and 10.07.2018 and in case the claim of the petitioner is found to be genuine and bona fide, the second respondent is further directed to pass appropriate orders and issue Legal Heir Certificate to the petitioner."

5. The above said exercise shall be initiated and completed by the second respondent within a period of four weeks from the date of receipt of a copy of this order.

6. With these directions, the Writ Petition stands disposed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The Tahsildar,
Virudhunagar Taluk, Virudhunagar.

3.The Village Administrative Officer,
Virudhunagar Taluk, Virudhunagar.

+1CC to Mr.R.Babu Jaganath, Advocate, SR.No. 78006

+1CC to the Special Government Pleader SR.No. 78129

W.P. (MD) .No.17310 of 2018
10.08.2018

TSG

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