



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.10243 of 2018

N.Kamala

: Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Madurai North Taluk,
Madurai.

3.The Village Administrative Officer,
Sathamangalam, Madurai North,
North Taluk, Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to issue legal heir certificate to the petitioner for her deceased sister namely Mythili who died on 25.12.2016 intestate except by considering the petitioner representation dated 18.04.2018 in the light of the Covered Judgment.

For Petitioner : Mr.S.Karthikeyan
For Respondents : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader.

ORDER

Heard Mr.S.Karthikeyan, learned counsel appearing for the petitioner and Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, who takes notice on behalf of the respondents.

2.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.It is the submission of the learned counsel appearing for the petitioner that the respondents are not acting upon her application, seeking for legal heirship certificate of her deceased sister, though they have no obstruction to issue a certificate for clause-II legal heirs.

4.This Court in various orders has held that an application seeking for legal heirship certificate cannot be rejected merely on the ground that there is no direct legal heir of the deceased and the order dated 21.06.2017 in W.P. (MD) No.5586 of 2017 is one among them.



5. In the light of the above observation, the second respondent is directed to consider the petitioner's application dated 18.04.2018 and pass necessary orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District, Madurai.

2. The Tahsildar,
Madurai North Taluk,
Madurai.

3. The Village Administrative Officer,
Sathamangalam, Madurai North,
North Taluk,
Madurai.

+1CC to Mr.S.Karthikeyan Advocate in SR.NO.64606,
+1CC to Special Government Pleader in SR.No.64874.

MYR

DS/JC/SAR-3 :28.05.2018: 2P/6C

W.P. (MD) No.10243 of 2018
28.04.2018