



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P(MD) .No.14551 of 2017

O.Paramasivam

... Petitioner

vs.

1. The District Collector,
District Collector Office,
Madurai - 20.

2. The Tahsildar,
Madurai North Tahsildar Office,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents to issue a legal heir certificate for M.Odayathevar on the basis of the repatriate certificate given by the Assistant High Commission at Sri Lanka, dated 13.08.2015.

For Petitioner : Mr.T.K.Akalya

For Respondents : Mr.Guna Seelan Muthiah
Addl. Government Pleader

ORDER

The petitioner has come forward with this writ petition seeking issuance of a Writ of Mandamus directing the respondents to issue a legal heir certificate for M.Odayathevar on the basis of the repatriate certificate given by the Assistant High Commission at Sri Lanka, dated 13.08.2015.

2.Heard Both sides.

3.The petitioner's application seeking for the legal heirship certificate of one Muthukarupa Devar Odaya Devar who is the son of Muthu Karupa Devar, was rejected by the Tahsildar on the ground that the said person has died on 1969 at Sri Lanka. Therefore his request cannot be considered.

4.Nevertheless, when the petitioner had approached the District Collector in this regard, there was a communication from the first respondent, dated 21.12.2016, whereby the first respondent, District Collector had instructed the Tahsildar/second respondent to take further action on the petitioner's application for issuance of legal heirship certificate.



5.It is seen that on 10.11.2016, the petitioner had sent an application to the Attached Councilor, Sri Lankan High Commission, seeking legal heir certificate of Muthu Karuppa Thevar Odaya Devar by claiming the following persons to be his legal heirs, namely:-

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- 1.Odayathevar, S/o Muthukarupa Thevar
- 2.Natchi, W/o Odayathevar
- 3.Karuppiah, S/o Odayathevar
- 4.Muthammal, D/o Odayathevar
- 5.Ramasamy, S/o Odayathevar
- 6.Paramasivam, S/o Odayathevar

I submit that except these persons there are no other legal heirs for him."

6.Just because the said person died in the year 1969, it cannot be said that he is not entitled for the legal heirship certificate. In other words, it would appropriate that the Tahsildar acts upon the application of the petitioner herein by necessitating him to file an affidavit, declaring all the legal heirs of his father with a further declaration that there are no other legal heirs apart from the persons stated by him and the certificate can be issued in his favour.

7.The second respondent shall also take into account the letter of the High Commission for the purpose of issuing the legal heirship certificate.

8.With the above directions, this Court grants liberty to the petitioner to approach the second respondent with an affidavit by stating the names of the legal heirs of Muthu Karuppa Thevar Odaya Devar with an undertaking that there are no other legal heirs apart from the legal heirs spelt out by him in his affidavit, along with a fresh application. On receipt of such application, the second respondent shall forth with issue a legal heirship certificate within a period of one week from the date of receipt of a copy of this order.

9.With the above observation this writ petition stands allowed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar



To

1. The District Collector,
District Collector Office,
Madurai - 20.

WEB COPY

2. The Tahsildar,
Madurai North Tahsildar Office,
Madurai.

+1cc to Mr.S.Thamizharasan, Advocate Sr.No.60364

+1cc to Spl.Government Pleader Sr.No.60302

TM

VB/KKR/SAR1/24.04.2018/3P/5C

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