



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.06.2019
CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD) No.10386 of 2019

S.Kulandai Mary

... Petitioner

Vs.

The Tahsildar
Manachanallur Taluk
Trichy District.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned rejection order dated nil by the respondent and quash the same as illegal and direct the respondent to issue legal heirs certificate in favour of the petitioner in accordance with law.

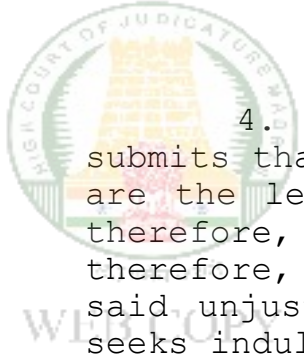
For Petitioner : Mr.S.M.Mohan Gandhi
For Respondents : Mr.V.Anand
Government Advocate

ORDER

Challenging the impugned rejection order passed by the respondent and for a consequential direction to the respondent for issuance of legal heir certificate, the petitioner is before this Court with this writ petition.

2.Heard the learned counsel for the petitioner and learned Government Advocate appearing for the respondent.

3.The petitioner, in order to get legal heir certificate applied to the respondent. According to the learned counsel for the petitioner, the petitioner's husband died leaving behind the petitioner/wife and three female children and also his mother. Therefore, adding all these name, the petitioner initially made an application to the respondent. However, since the mother of the deceased, ie., the mother-in-law of the petitioner is not cooperating in giving necessary documents, such as Aadhar Card to include her in the legal heir certificate, initially, the respondent refused to consider. Therefore, the petitioner made further application deleting the name of the mother-in-law of the petitioner by giving the application for petitioner and other three children of the deceased to get a legal heir certificate and this time, through the impugned order, dated nil, the respondent has rejected the same on the ground that, the petitioner has given wrong information.



4. In this context, the learned counsel for the petitioner submits that the petitioner being the wife and three female children are the legal heirs of the deceased husband of the petitioner and therefore, they are entitled to get the legal heir certificate and therefore, the rejection order now made by the respondent on the said unjust or flimsy reason cannot be sustained. Therefore, he seeks indulgence of this Court.

5. I have heard the learned Government, who would submit that the request of the petitioner would again be considered and therefore, the present rejection order may be set aside and the matter may be remanded back to the respondent for reconsideration.

6. Considering the said submission made by the learned counsel for the petitioner and the respondent, this Court is inclined to dispose of the writ petition with the following direction:

"that the impugned order of rejecting the application of the petitioner for legal heir certificate is hereby quashed and the matter is remanded back to the respondent for reconsideration and while reconsidering the same, the respondent shall take into account the documents and certificates provided by the petitioner for herself and her three daughters and accordingly, decide the claim of the petitioner for legal heirship for the petitioner and her three daughters and pass orders thereon, of course, after hearing the other legal heirs, if any, after including the mother of the deceased, within a period of eight weeks from the date of receipt of a copy of this order." No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

RR

To
The Tahsildar
Manachanallur Taluk
Trichy District.

+1 CC to Mr.S.M.MOHAN GANDHI, Advocate SR-68908.
+1 CC to SPL GP SR-69192.

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