



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.12881 of 2019
and
W.M.P. (MD) No.9579 of 2019

D.Sivasailam

...Petitioner

-Vs-

1.The Government of Tamil Nadu
represented by its Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.

2.The District Collector,
Tirunelveli.

3.The Tahsildar,
Palayamkottai.

4.The Zonal Deputy Tahsildar,
Palayamkottai.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 19.03.2019 by the respondent No.3 quash the same as illegal, arbitrary and violation of principles of law and further direct the 3rd respondent to issue the legal heir certificate within the time allowed by this Court.

For Petitioner : Mr.T.Selvan

For Respondents : Mr.P.Kannidevan, AGP

ORDER

The prayer in this writ petition is for a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 19.03.2019 by the respondent No.3 quash the same as illegal, arbitrary and violation of principles of law and further direct the 3rd respondent to issue the legal heir certificate within the time allowed by this Court.

2.Heard Mr.T.Selvan, learned counsel appearing for the petitioner and Mr.P.Kannidevan, learned Additional Government Pleader appearing for the respondents.



3. The petitioner is one of the legal heir of the father of the petitioner, who had two wives and according to the learned counsel appearing for the petitioner, after the demise of the first wife only, second wife was married and through both the wives, the petitioner's father had children and in order to get a legal heir certificate for all the children, who are first class heirs, the petitioner made application to the 3rd respondent Tahsildar. However, the same had been rejected by the Tahsildar through the impugned order without any plausible reason. In this regard, the learned counsel appearing for the petitioner has relied on a number of decisions passed by this Court by the respective learned Judges.

4. Heard the learned Additional Government Pleader, who would submit that, in accordance with the law declared by this Court in the said judgments, the request of the petitioner along with the other legal heirs of the petitioner's father would be considered and accordingly, suitable order with regard to the grant of legal heir certificate would be passed by the 3rd respondent, within a time frame that to be stipulated by this Court.

5. In view of the said factual matrix and in view of the stand taken by the learned Additional Government Pleader appearing for the respondents, this Court is inclined to pass the following order:

"the impugned order rejecting the plea of grant of legal heir certificate is hereby quashed and the matter is remitted back to the respondents, especially, the third respondent with a direction that the request of the petitioner along with the other legal heirs of the father of the petitioner shall be considered on merits and in accordance with law, accordingly after having conducted due enquiry, necessary order pertaining to the legal heirs of the petitioner's father shall be issued and the copy of the same shall be communicated to the petitioner and the needful would be undertaken by the 3rd respondent within a period of eight weeks from the date of receipt of a copy of this order."

6. With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

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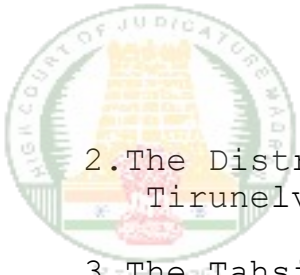
Sub Assistant Registrar (CS)

To

1. The Secretary to Government,
Government of Tamil Nadu

<https://hcservices.ecourts.gov.in/hcservices/>

Revenue Department,
Secretariat, Chennai - 600 009.



2.The District Collector,
Tirunelveli.

3.The Tahsildar,
Palayamkottai.

4.The Zonal Deputy Tahsildar,
Palayamkottai.

+2ccs to Mr.K.S.SUNDHAR, Advocate, SR.No.67185

W.P. (MD) No.12881 of 2019

06.06.2019

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