



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2019

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.156 of 2019

and

W.M.P.(MD)No.137 of 2019

P.Gopalakrishnan

...Petitioner

-Vs-

The Tahsildar,
Madurai West Taluk,
Madurai.

...Respondent

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in the impugned order dated nil and to set aside the same in consequentially direct the respondent to issue legal heir certificate to the petitioner within the stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Rajamohan

For Respondent : Mr.S.Murugan, G.A.

ORDER

The prayer in this writ petition is for a Writ of Certiorarified Mandamus, calling for the records of the respondent in the impugned order dated nil and to set aside the same and consequentially direct the respondent to issue legal heir certificate to the petitioner within the stipulated time that may be fixed by this Court.

2.Heard Mr.R.Rajamohan, learned counsel appearing for the petitioner and Mr.S.Murugan, learned Government Advocate appearing for the respondent.

3.The petitioner sought legal heir certificate from the respondents. For the said purpose, the certificate issued by the Village Administrative Officer as well as the Revenue Inspector concerned had been annexed. The Village Administrative Officer and the Revenue Inspector had given a report stating that the father of the petitioner died on 08.11.1975 leaving behind seven legal heirs including the petitioner. In the impugned order, however the respondent has rejected the request of the petitioner stating that, since the petitioner's father died 43 years back, when enquiry had been conducted in the nearby area, no one had given any input with regard to the legal heirs of the father of the petitioner and therefore, the legal heir certificate sought for by the petitioner was accordingly rejected.



4. Since the Village Administrative Officer and the Revenue Inspector have given a detailed report giving the names of the legal heirs including the petitioner, with their aid, proper enquiry could have been conducted by the respondents. Without doing so, mechanically, the present impugned order seems to have been passed by the respondents. Therefore, on the prima facie, this Court is of the view that the impugned order cannot be sustained. Hence, the same is quashed and the matter is remitted back to the respondents for reconsideration. While doing reconsideration, the respondents shall take into account the report submitted by the Revenue Inspector as well as the Village Administrative Officer concerned and after a detailed enquiry and accordingly issue legal heir certificate to the petitioner and other legal heirs, within a period of four weeks from the date of receipt of a copy of this order.

5. With this direction, this writ petition is ordered accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar (CS)

To

The Tahsildar,
Madurai West Taluk,
Madurai.

+1 CC to SPL GP SR-67097.

+1 CC to Mr. R. RAJAMOHAN, Advocate SR-66701.

Order made in
W.P. (MD) No. 156 of 2019
Dated: **03.06.2019**

CS: (13/06/2019) 2P 4C