



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**
W.P. (MD) No.4789 of 2019

WEB COPY

Shanmugavel

... Petitioner

Vs

1.The District Collector,
Tirunelveli District.

2.The Tahsildar,
Taluk Office, Sankarankovil Taluk,
Tirunelveli District.

3.The Revenue Inspector,
Revenue Inspector of Veerasingamani,
Sankarankovil Taluk, Tirunelveli District.

4.The Revenue Inspector,
Revenue Inspector of Sankarankovil,
Sankarankovil,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to conduct proper enquiry on the petitioner's representation dated 03.12.2018 and report submit to the second respondent and consequently the second respondent consider the same and to issue Legal Heir Certificate in favour of the petitioner in respect of deceased the petitioner's Grand father Muthiah Chettiar.

For Petitioner : Mr.V.Muthuvelan

For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner has given an application dated 03.12.2018 to the second respondent seeking issuance of legal heir certificate in his favour. The second respondent has taking the stand that since the petitioner falls under the Class-2 category, the <https://hcservices.ecourts.gov.in/hcservices/> petitioner cannot be issued with the certificate sought for. That has necessitated the filing of this writ petition.



3.The learned counsel for the petitioner draws the attention of this Court to the order dated 01.08.2018 in W.P.(MD)No.5211 of 2018 wherein this Court has held that the authority cannot decline to issue a legal heir certificate on the ground that the applicant is a Class-2 legal heir.

4.The second respondent is directed to hold an enquiry and pass orders on the petitioner's representation dated 03.12.2018. Such an order shall be passed within a period of five months from the date of receipt of a copy of this order.

5.It is made clear that it is open to the second respondent to pass orders one way or the other. This Court has not given any positive direction in favour of the writ petitioner. The only direction that is now given is that the petitioner's request would be disposed of.

6.With this observation, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The District Collector,
Tirunelveli District.

2.The Tahsildar,
Taluk Office, Sankarankovil Taluk,
Tirunelveli District.

3.The Revenue Inspector,
Revenue Inspector of Veerasingamani,
Sankarankovil Taluk, Tirunelveli District.

4.The Revenue Inspector,
Revenue Inspector of Sankarankovil,
Sankarankovil,
Tirunelveli District.



+1 CC to M/s.V.MUTHUVELAN, Advocate(SR-50860[F] dated 01/03/2019)

+1 CC to M/s.SPL GP (SR-51544[F] dated 04/03/2019)

pnn

WEB COPY

W.P. (MD) No. 4789 of 2019
01.03.2019

KM/ (20.03.2019) 4P 7C