



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.6384 of 2019

and

W.M.P. (MD) No.5089 of 2019

M.Kavery Ammal

... Petitioner

Vs

1.The Tahsildar,
Sankarankoli Taluk,
Tirunelveli District.

2.The Revenue Inspector,
Karivalamvandanallur,
Sankarankoil Taluk,
Tirunelveli District.

3.The Village Administrative Officer,
Periyur Village,
Sankarankovil Taluk,
Tirunelveli District.

...Respondents

PRAYER : Petition 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 order dated 19.11.2018 passed by the Tahsildar, Sankarankovil, Tirunelveli District rejecting petitioner's application for issuance of legal heir certificate of petitioner's deceased son, M.Karuppasamy and to quash the same as unreasonable, illegal and arbitrary and to consequently direct the first respondent to issue the petitioner legal heirship certificate of her deceased son, M.Karuppasamy within a stipulated time.

For Petitioner : Mr.Y.Krishnan

For Respondents : Mr.M.Karuppasamy
Government Advocate

ORDER

The petitioner's son M.Karuppasamy passed away on 10.10.2014. The petitioner applied to the first respondent for issuing legal heir certificate. The first respondent took the stand that the son of the petitioner was having two wives namely Guruvammal and Muthulakshmi and therefore it is not possible to issue legal heir certificate. This stand of the first respondent is questioned in this writ petition.



2.I am of the view that when there is no dispute about the relationship of the writ petitioner with the deceased as mother and son, the first respondent can issue a legal heir certificate certifying that the petitioner is one of the legal heirs. In case, there is any doubt with regard to the status and relationship, the authority can make a note to that effect and issue a certificate. Such a certificate shall be issued within a period of six weeks from the date of receipt of a copy of this order.

3.This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T AND P)

// True Copy //

Sub Assistant Registrar(CS)

pnn

To

- 1.The Tahsildar,
Sankarankoli Taluk,
Tirunelveli District.
- 2.The Revenue Inspector,
Karivalamvandanallur,
Sankarankoil Taluk,
Tirunelveli District.
- 3.The Village Administrative Officer,
Periyur Village,
Sankarankovil Taluk,
Tirunelveli District.

1CC TO MR. Y. KRISHNAN, ADVOCATE SR 57822
1CC TO THE SPL GOVT PLEADER SR 57742

KK
10/04/2019
2P 6C

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