



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMARW.P. (MD) No.16913 of 2019

P.Krishnamoorthy

... Petitioner

-Vs-

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.

3.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to include the petitioner's name as one of the legal heir of his father in the legal heir certificate issued by the third respondent dated 21.01.2011 based on his representation dated 14.11.2018 within the time stipulated by this Court.

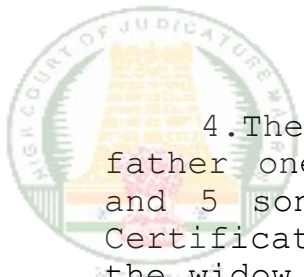
For Petitioner : Mr.S.Atham Ali

For Respondents : Mr.C.M.Mari Chellaiah Prabhu
Additional Government Pleader**ORDER**

The prayer in this writ petition is for a Writ of Mandamus, to direct the respondents to include the petitioner's name, as one of the legal heirs of his father, in the legal heir certificate issued by the third respondent, dated 21.01.2011, based on his representation, dated 14.11.2018, within a time to be stipulated by this Court.

2.Heard Mr.S.Atham Ali, learned counsel appearing for the petitioner and Mr.C.M.Mari Chellaiah Prabhu, learned Additional Government Pleader appearing for the respondents.

3.By consent of both sides, this writ petition is taken up for final disposal at the admissions stage itself.



4.The grievance of the petitioner is that the petitioner's father one Palanivel died on 29.11.2010 leaving behind his widow and 5 sons including the petitioner. However, when Legal Heir Certificate was issued by the third respondent on 21.01.2011, only the widow and 4 sons, who are the brothers of the petitioner, alone had been made as the legal heirs of the deceased Palanivel and accordingly, Legal Heir Certificate was issued, leaving the petitioner, who is also one of the sons of the said deceased.

5.The petitioner's name was left probably because of the reason that the petitioner had been working, during that time, in abroad and that is the reason why, the third respondent might have left the name of the petitioner.

6.Be that as it may, now in order to rectify the same, the petitioner had given representations on 14.11.2018 and 27.11.2018 and the same is still pending with the respondents, especially, the third respondent, the petitioner is therefore before this Court.

7.Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader appearing for the respondents, after having perused the records and on getting instructions, has made a fair submission that, since the petitioner is one of the sons of the deceased, namely Palanivel, the name of the petitioner could not have been left in the Legal Heir Certificate issued by the third respondent, dated 21.11.2011. Therefore, necessary rectification would be made in the Legal Heir Certificate to that effect and the same would be issued by the third respondent at the earliest time.

8.Considering the said submissions made by both sides and having regard to the said facts of the case, this Court is inclined to dispose of this writ petition with the following directions:-

"that the third respondent is hereby directed to do the needful by making necessary correction in the Legal Heir Certificate by including the name of the petitioner, who is one of the sons and also one of the legal heirs of the deceased Palanivel and accordingly, a corrected Legal Heir Certificate shall be issued to the petitioner and also to other legal heirs and the needful, as indicated above, shall be done, within a period of four weeks from the date of receipt of a copy of this order."

No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //



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Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.

3.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram.

+1CC TO MR.S.ATHAMALI, Advocate Sr. No.78956

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 79452

W.P.(MD)No.16913 of 2019

SSS(CO)

TR (09.08.2019) 3P 6C