



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.09.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.20004 of 2019

and

W.M.P. (MD) No.16520 of 2019

Chokkalingam

... Petitioner

vs.

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Tahsildar,
Kadayanallur Taluk,
Tirunelveli District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records in O.Mu.(A6)/2812/2019 dated 01.08.2019 on the file of the second respondent and quash the same and further direct the second respondent to issue a legal heirs certificate of petitioner's father namely late.Arumugasamy to the petitioner.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.M.Rajarajan,
Government Advocate

ORDER

This Writ Petition has been filed to quash the proceedings in O.Mu.(A6)/2812/2019 dated 01.08.2019 on the file of the second respondent and also to direct the respondents to issue legal heir certificate.

2.The petitioner, after death of his father, applied for legal heir certificate. The second respondent in proceedings dated 01.08.2019, made in O.Mu.(A6)/2812/2019, has replied that the deceased has two wives and the first wife has two sons and they are employed abroad and therefore, it could not obtain statement from them and rejected the request of the petitioner and directed him to get the relief through Court.

<https://hcservices.courts.gov.in/hcservices/> perusal of the impugned order, it shows the



irresponsible attitude of the second respondent in discharging his official duty. Such irresponsible Officer cannot be encouraged and the Higher Authorities should take action against the concerned Officers for dereliction of duty.

4.This Court is of the view that the impugned order is liable to be quashed and accordingly, the impugned order dated 01.08.2019, made in O.Mu.(A6)/2812/2019, is hereby set aside and the second respondent is directed to enquire this matter with the support of other relevant documents and witnesses and issue legal heir certificate to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

5.This Writ Petition is allowed, accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Tahsildar,
Kadayanallur Taluk,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-87918[F] dated 19/09/2019)

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-87378[F] dated 18/09/2019)

W.P. (MD) No.20004 of 2019
18.09.2019

gns

JMN(23.09.2019) 2P : 5C