



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2019

CORAM:

THE HONOURABLE **MR.JUSTICE M.SUNDAR**

W.P.(MD)No.19074 of 2018

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VR.Arunachalam

... Petitioner

/Vs./

1.The Tahsildar,
Office of Tahsildar,
Karaikudi Taluk,
Sivagangai District.

2.The Revenue Inspector,
Sakkottai,
Karaikudi Taluk,
Sivagangai District.

... Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent in Oo.Mu.A2/11129/2016 dated 28.12.2016 and quash the same and direct the respondents to issue Legal Heirship Certificate to the petitioner by following the due process of law.

For Petitioners : Mr.Dilipan Pandian
for Mr.N.Balasubramanian
For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader

ORDER

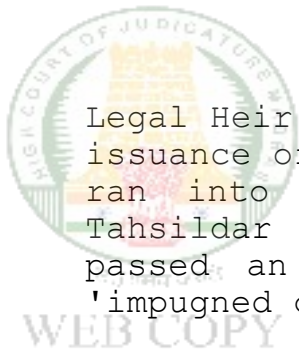
Mr.Dilipan Pandian, learned counsel appearing for petitioner and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for respondents(official respondents) are before this Court.

2.With consent of learned counsel for writ petitioner and learned State counsel, main writ petition is taken up, heard out and is being disposed of.

3.Entire matter turns on a very narrow compass.

4.Writ petitioner's father Veerappan died on 31.10.1969 and the writ petitioner sometime in 2016 made an application for issuance of

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Legal Heir Certificate. This application of the writ petitioner for issuance of Legal Heir Certificate for his deceased father Veerappan ran into rough whether. The jurisdictional Tahsildar, namely Tahsildar Karaikudi Taluk (first respondent before this Court) passed an 'order dated 28.12.2016' (hereinafter referred to as 'impugned order' for the sake of brevity), which reads as follows:

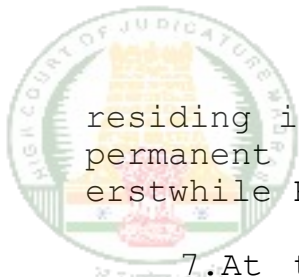


5. Adverting to the impugned order, learned counsel submits that his request for issuance of Legal Heir Certificate has been declined on the sole ground that applicant, namely the writ petitioner is residing in Chennai and that he is not residing in Karaikudi. Learned counsel submits that there is no dispute about this on facts. Learned counsel draws the attention of this Court to the name and address of the addressee in the impugned order and points out that the applicant has given Chennai address even in the application for Legal Heir Certificate and has not given Karaikudi address as mentioned in the impugned order. Be that as it may, learned counsel for writ petitioner draws the attention of this

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Chennai. It is
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residing in Chennai, on the contrary, he was residing only in his permanent address in 'West Pillaiyar Kovil Street, Kandanoor, erstwhile Ramnad District now Sivakangai District'.

7. At this juncture, learned State counsel submitted that the application for Legal Heir Certificate made by the writ petitioner can be considered in accordance with law, if the writ petitioner produces requisite documents. Writ petitioner undertakes to do so.

8. Therefore, the impugned order is set aside and the first respondent is directed to consider the application of the writ petitioner for Legal Heir Certificate in accordance with law and either issue legal heir certificate or send suitable communication to the writ petitioner as expeditiously as possible and in any event within a period of four weeks from the date of receipt of a copy of this order.

9. Instant Writ Petition is allowed with the above directions. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

rmk
To

1. The Tahsildar,
Office of Tahsildar,
Karaikudi Taluk,
Sivagangai District.

2. The Revenue Inspector,
Sakkottai,
Karaikudi Taluk,
Sivagangai District.

+1 CC to M/s.GP (SR-97246[F] dated 11/11/2019)

+1 CC to M/s.N.BALASUBRAMANIAN, Advocate (SR-97413[F] dated 11/11/2019

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KK/SAR/18.11.2019/4P-5C/