



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD)No.5302 of 2020

WEB COPY

R.Ramkumar

... Petitioner

Vs.

The Tahsildar,
Madurai East Taluk
Madurai.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the proceedings of the respondent made in O.Mu.No.6322/2015/E2 dated 4.12.2019 and quash the same and consequently direct the respondent to issue legal heir certificate for the deceased Rajkumar and son of Late Ramamoorthy.

For Petitioner :Mr.R.Murali

For Respondents :Mr.V.Anand

Government Advocate

ORDER

The writ petition filed seeking to set aside the order dated 04.12.2019 issued by the respondent Tahsilar, Madurai East Taluk.

2.The petitioner Ramkumar and his brother Premkumar are both interested in the present writ petition. Their father Ramamoorthy died on 28.05.2011. Their mother died on 06.04.2005. The petitioner had an another elder brother Rajkumar. Rajkumar died on 08.06.2013 in an accident at Thanjavur. On the death of the father, legal heirship certificate was issued in favour of the three sons Rajkumar, Ramkumar and Premkumar. In the legal heirship certificate, it had been stated that all the three sons are unmarried. The learned counsel for the petitioner therefore states that since the marital status still remains unmarried, the petitioner as well as his younger brother are the only valid legal heirs of their brother Rajkumar, as Class-II legal heirs. Holding that they are Class II heirs, the respondent had directed the petitioner to approach the civil Court seeking a declaration. The learned counsel insists that the impugned order has to be interfered with.

3. If there are no contesting rival claimants seeking legal heirship certificate, the Tahsildar may very well examine the issue and pass orders. The office, which he holds authorises him



to do so. The circular is directory in nature. It has to be followed if there are contesting rival claimants. Naturally only a civil Court can settle the issue among the rival claimants.

4. In the present case, both the brothers seek legal heirship certificate. Therefore, a direction is issued to the respondent to issue notice to the petitioner as well as his brother Premkumar and enquire with them and thereafter if he is satisfied, issue legal heirship certificate, in accordance with law with respect to their brother Rajkumar. The respondent may complete this proceedings on or before 24.04.2020.

5. With the above direction, the writ petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR
To
The Tahsildar,
Madurai East Taluk
Madurai.

+1 CC to MR.C.RAMESH, Advocate (SR-11501[F] dated 13/03/2020)

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