



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **28.02.2020**
CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.4188 of 2020

Ponveera Ramalingam

... Petitioner

Vs.

The Tahsildar,
Madurai East Taluk,
Y.Othakadai,
Madurai.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 15.07.2019 and quash the same and consequently direct the respondent to issue legal heirship certificate to the petitioner.

For Petitioner : Mr.J.Anandkumar
For Respondent : Mr.Aayiram K.Selvakumar,
Additional Government Pleader

ORDER

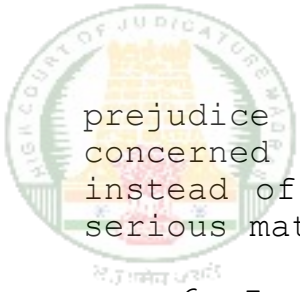
Mr.Aayiram K.Selvakumar, learned Additional Government Pleader takes notice on behalf of the respondent.

2. By consent, the main writ petition itself is taken up for disposal, at the admission stage itself.

3. The writ petition has been filed by the petitioner challenging the order passed by the respondent dated 15.07.2019 in proceedings O.Mu.No.1205/2019/B3.

4. The case of the petitioner is that he is the son of one K.V.Mahalingam, who died on 11.01.2019. The petitioner had applied for legal heirship certificate, which is rejected on the ground that the deceased had two wives.

5. Admittedly, the said Mahalingam had two wives. However, the second wife died on 23.12.2016. The applicants are the first wife and children. Therefore, the respondent ought to have considered the status of the parties and passed orders after adverting to the Hindu Succession Act, 1956. The mechanical orders passed by the Tahsildars in the case of issuance of legal heirship certificate without application of mind is causing lot of delay and



prejudice to the applicants. In this regard, the authorities concerned are directed to educate the Tahsildars on this subject instead of simply sending circulars. As the impugned order suffers serious material irregularity, the same is liable to be set aside.

6. In the result, the writ petition is allowed and the impugned order passed by the respondent dated 15.07.2019, is hereby set aside and the respondent is directed to issue fresh legal heirship certificate, upon enquiry once again. The said exercise has to be completed within a period of six weeks from the date of receipt of a copy of this order. No Costs.

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pm

To:

1. The Secretary to Government,
Revenue Department,
Govt. Of Tamilnadu,
Secretariat, Chennai 600 009
2. The Tahsildar,
Madurai East Taluk,
Y.Othakadai, Madurai.
3. The District Collector,
Madurai District, Madurai

+1 CC to Mr.J.ANANDKUMAR, Advocate (SR-9096[F] dated 28/02/2020)
+1 CC to SPL.GP (SR-9781[F] dated 03/03/2020)

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28.02.2020

MK (13.03.2020) 2P 6C