



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2020

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THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

W.P. (MD)No.8683 of 2020

M.Sudha

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Madurai District.

2.The Tahsildar,
Madurai East Taluk,
Madurai - 107.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to provide the mechanism for include the petitioner's details as 2nd line legal heirs in E-Seva Centre or to issue the legal heir certificate for 2nd line legal heirs on the basis of the petitioner's representation dated 19.06.2020 on the file of the respondents within a stipulated time fixed by this Court.

For Petitioner : Mr.J.Selvin Rajesh

For Respondents : Mr.C.Ramar
Government Advocate

ORDER

Heard the learned counsel appearing on either side.

2.The writ petitioner has one sister Kavitha and two brothers Murugan and Ramesh. Their parents have already passed away. Ramesh died on 22.02.2013 and Murugan died on 19.01.2020 in a road accident. According to the petitioner, Murugan was with her. According to the petitioner, her sister Kavitha and herself are the surviving legal heirs of Murugan. Therefore, the petitioner approached the second respondent seeking issuance of legal heir certificate. The second respondent had taken the stand that it is not open to him to issue legal heir certificate for Class-II legal heirs. The petitioner is unable to apply through online because, the online application form does not contain any provision for the Class-II legal heir to apply.



3.The learned Government Advocate submits that in view of the circular issued by the Commissioner of Revenue Administration dated 24.09.2019, it is clearly stated that the Tahsildar should not grant legal heir certificate for Class-II legal heirs.

4.Though the contention of the learned Government Advocate is technically correct, it must be noted that a learned Judge of this Court vide order dated 03.08.2018 made in W.P.(MD)No.15901 of 2018 directed the respondents therein to consider the request of the petitioners' therein, for issuance of Class-II legal heir certificate.

5.Therefore, the respondents may not be justified in taking the stand that they would not issue legal heir certificate for the writ petitioner. Since online mode does not enable the petitioner to apply for a legal heir certificate, the second respondent is directed to pass orders on the petitioner's representation dated 19.06.2020.

6.The petitioner will appear before the second respondent and place all the materials to indicate that the petitioner Sudha and her sister Kavitha are the surviving legal heirs of deceased Murugan. If the second respondent is satisfied with the materials placed by the petitioner, the second respondent will issue the legal heir certificate as sought for. The entire exercise shall be concluded within a period of three months from the date of receipt of a copy of this order.

7.Accordingly this Writ Petition is disposed of on these terms. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Office of the District Collector,
Madurai District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Tahsildar,
Madurai East Taluk,
Madurai - 107.

+1 CC to SPL GP (SR-17142[F] dated 16/09/2020)

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