



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.9790 of 2020

WEB COPY

Velladurai

... Petitioner

Vs.

1.The Tashildar,
Taluk Office, Sankarankovil Taluk,
Tenkasi District.

2.The Head Quarters Deputy Tashildar,
Taluk Office, Sankarankovil,
Tenkasi District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order of second respondent dated 12.06.2020 in Muu.Mu.A1/1657/2020 and quash the same and consequently direct the respondents to issue the Legal Heir Certificate of Late.Muthusamy, who is the own brother of the petitioner.

For Petitioner : Mr.V.Muthuvelan

For Respondents : Mrs.S.Srimathy

Special Government Pleader

O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents.

2.The petitioner's parents had passed away in 2011 and 2016. It is stated that the petitioner's brother Muthusamy also had passed away on 10.09.1991. The petitioner approached the first respondent for issuance of legal heir certificate. The first respondent by the impugned memorandum dated 12.06.2020, rejected the petitioner's request on the ground that the petitioner is not a Class-I legal heir, but only a Class-II legal heir. The petitioner was advised to move the civil Court. This order is questioned in the writ petition.

3.It cannot be in dispute that in a number of decisions, this Court had held that request for issuance of Class-II legal heir certificate should also be considered by the revenue authority.

4.The petitioner's counsel has enclosed the order dated 01.08.2018 in W.M.P. (MD)No.15211 of 2018. It was held in the



said decision that the authority is not justified in denying issuance of legal heir certificate only on the ground that the applicant comes under Class-II.

5. Respectfully following the aforesaid order, the order impugned in the writ petition is quashed. The matter is remitted to the file of the first respondent. The first respondent is directed to issue the certificate sought for, on being satisfied that the petitioner/the petitioner is really the brother of the deceased Muthusamy. This is of course a matter for enquiry and if the first respondent is satisfied based on the materials produced by the petitioner, the certificate shall be issued. The entire exercise should be concluded within a period of ten weeks from the date of receipt of copy of this order.

6. The writ petition is allowed on these terms. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

sj i

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 Tashildar,
Taluk Office, Sankarankovil Taluk,
Tenkasi District.

2. The Head Quarters Deputy Tashildar,
Taluk Office, Sankarankovil,
Tenkasi District.

+1 CC to SGP (SR-18084[F] dated 25/09/2020)

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SS (CO)

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