



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.10020 of 2020

M.Motcham

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Madurai South Taluk,
Madurai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in his proceedings in O.Mu.No.A2/1602/2020, dated 11.06.2020 and quash the same as illegal and consequently directing the second respondent to issue legal heir certificate to the petitioner and her sister Prakasi on the basis of her representation dated 17.03.2020.

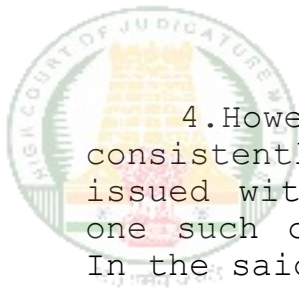
For Petitioner : Mr.T.Leninkumar
For Respondents : Mr.P.Mahendiran
Additional Government Pleader

O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.The writ petitioner is one Motcham. Her younger sister Kulanthai Thirash attained Motcham on 19.07.2010. The petitioner applied for legal heir certificate for her deceased sister. Apart from the petitioner, there is another sister by name Mrs.Prakasi. The second respondent denied the petitioner's request on the ground that the legal heir certificate will not be issued for the applicants who fall under the Class-II category. The rejection order is put to under challenge in this writ petition.

3.The learned Additional Government Pleader appearing for the respondents submitted that the revenue authority cannot be faulted. This is because, a commissioner of revenue administration had already issued a circular calling upon the Tahsildars not to issue the certificate for Class-II legal heirs.



4.However, it is not in dispute that this Court had consistently taken the view that Class-II legal heirs can also be issued with legal heirs certificate. The petitioner was enclosed one such order dated 26.11.2019 made in W.P.(MD)No.25089 of 2019. In the said decision, it was held as follows:-

WEB COPY *".....5.....When an application is filed seeking legal heir certificate, the factum of Class-I heir or Class-II heir has to be inferred by the Village Administrative Officers in the area, where the applicant resides by way of conducting a field verification. After enquiry, if it is found that the applicant is the legal heir, he/she should be issued with the legal heir certificate..."*

5.Respectfully following the said decision, the order impugned in the writ petition is quashed. The second respondent will conduct a field verification and enquire if the facts stated by the petitioner are correct, if the second respondent is satisfied that the petitioner has come out with the correct facts, the second respondent shall issue the legal heir certificate as sought for. The entire exercise should be concluded within a period of twelve weeks from the date of receipt of copy of this order.

6.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

// 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 District Collector,
Madurai District, Madurai.



2.The Tahsildar,
Madurai South Taluk,
Madurai District.

+1 CC to SPL GP (SR-18085[F] dated 25/09/2020)

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24.09.2020

VB (12.10.2020) 3P 4C