



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2020

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

W.P. (MD)No.10493 of 2020

S.Mallika

... Petitioner

Vs.

1.The Tahsildar,  
Rajapalayam Taluk,  
Virudhunagar District.

2.The Village Administrative Officer,  
Rajapalayam,  
Virudhunagar District.

... Respondents

**Prayer:** Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to issue legal heirship certificate to the petitioner and her children, including her adopted son Manikandan based on her online application dated 20.12.2019 and reminder dated 24.08.2020 and in the light of the order passed by this Court reported in 2018(1) CTC 814.

For Petitioner : Mr.T.Leninkumar  
For Respondents : Mr.C.Ramar  
Additional Government Pleader

**O R D E R**

Heard the learned counsel on either side. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner seeks issuance of legal heirship certificate for her late husband. The petitioner was married to one Saravanan. The said Saravanan is no more. The petitioner wants the legal heir certificate to include not only herself and her daughter Veeralakshmi, but also one Manikandan. The case of the petitioner is that the said Manikandan was adopted by her husband, even before her marriage.

3.I am of the view that the case like this will have to be tried only before the Jurisdictional Civil Court. When the facts are not quite clear, it will not be proper for this Court to direct the Tahsildhar, Rajapalyam, to issue the legal heir certificate as sought for by the writ petitioner. Therefore, leaving open the petitioner's right, the writ petition is dismissed. It is open to



the writ petitioner to move the Jurisdictional Civil Court and obtain a declaration that the said Manikandan, is the adopted son of her husband Saravanan. No costs.

Sd/-

Assistant Registrar ( )

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/ /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 Tahsildar,  
Rajapalayam Taluk,  
Virudhunagar District.
- 2.The Village Administrative Officer,  
Rajapalayam,  
Virudhunagar District.

+1 CC to M/s.SPL GP( SR-18281[F] dated 28/09/2020 )

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DKS (CO)  
KB(16.10.2020) 2P 4C