



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.13723 of 2020

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Shahul Hameed

... Petitioner

Vs

The Tahsildar,
Taluk Office,
Sankarankovil Taluk,
Tenkasi District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, by directing the respondent to issue legal heir certificate to the petitioner within the stipulated time that may be fixed by this Court by considering the petitioner's representation dated 09.09.2020.

For Petitioner	: Mr.R.Rajamohan
For Respondent	: Mr.C.Ramesh Special Government Pleader

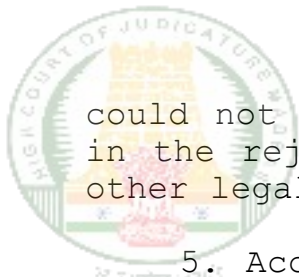
ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondent to issue legal heirship certificate to the petitioner as well as to the other legal heirs of the deceased Thuraikann Ravuthar.

2. Heard Mr.R.Rajamohan, learned counsel appearing for the petitioner and Mr.C.Ramesh, learned Special Government Pleader, appearing for the respondent.

3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

4. The petitioner has given a representation, dated 09.09.2020 to the respondent requesting for issuance of legal heirship certificate for his father Late Thuraikann Ravuthar, who died on 15.01.1960. According to the petitioner, the petitioner and his four sisters, viz., Rabeesa Beevi, Kamithal Beevi, Soora Beevi, Rasitha Beevi, are the legal heirs of the deceased Thuraikann Ravuthar. According to the petitioner, all the surviving legal heirs of the deceased Thuraikann Ravuthar applied to the respondent for issuance of legal heirship certificate. But the same was rejected by the respondent on 09.01.2015 on the ground that they



could not identify the legal heirs of Late Thuraikann Ravuthar and in the rejection order, the respondent directed the petitioner and other legal heirs to approach the Civil Court.

5. According to the petitioner, as directed by the respondent, the petitioner and other legal heirs had approached the Civil Court by filing a suit in O.S.No.160 of 2015, before the Additional District Munsif Court, Sankarankovil, to declare them as legal heirs of the deceased Thuraikann Ravuthar. According to the petitioner, the suit was decreed on 05.04.2016 and the decree copy was also sent to the respondent. Despite the decree being passed by the Additional District Munsif Court, Sankarankovil, in O.S.No.160 of 2015, declaring the petitioner and his sisters as legal heirs of the deceased Thuraikann Ravuthar, the respondent has failed to issue the legal heirship certificate. According to the petitioner, he has given a representation on 09.09.2020, enclosing all the necessary documents to the respondent, requesting them to issue the legal heirship certificate. However, till date, the request of the petitioner has not been duly considered by the respondent. In such circumstances, this Writ Petition has been filed.

6. The relief sought for by the petitioner is an innocuous relief and no prejudice will be caused to the respondent, if such relief is granted by this Court. Admittedly, the petitioner and other legal heirs have obtained a judgment and decree in O.S.No.160 of 2015, passed by the Additional District Munsif Court, Sankarankovil, declaring them as legal heirs of the deceased Thuraikann Ravuthar, who died on 15.01.1960. According to the petitioner, the said decree has attained finality and therefore, the respondent will have to necessarily issue the legal heirship certificate in their favour for Late Thuraikann Ravuthar. Whether or not the petitioner is entitled for legal heirship certificate or not is borne out by records and it is for the respondent to enquire into the matter and pass suitable orders. The petitioner has also given a representation on 09.09.2020 to the respondent, requesting them to issue legal heirship certificate for the deceased Thuraikann Ravuthar. Admittedly, till date, the said representation has not been considered by the respondent. In fact, in the suit in O.S.No.160 of 2015, the respondent in this Writ Petition was arrayed as second defendant. Therefore, the respondent must also be aware about the judgment and decree passed in O.S.No.160 of 2015.

7. For the foregoing reasons, this Court directs the respondent to consider the representation of the petitioner, dated 09.09.2020 in the light of the judgment and decree passed by the Additional District Munsif Court, Sankarankovil, in O.S.No.160 of 2015 and also by considering the supporting documents relied upon by the petitioner and pass final orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



8. With the aforesaid directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

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Sub Assistant Registrar(CS)

tsg

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

The Tahsildar,
Taluk Office,
Sankarankovil Taluk,
Tenkasi District.

+1 CC to the SPL GP SR-19315.

+1 CC to Mr.R.RAJAMOHAN, Advocate SR-19365.

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06.10.2020

SS(CO)

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