



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 12.10.2020**

**CORAM:**

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

**W.P. (MD)No.14182 of 2020**

R.Shanmugapriya

... Petitioner

Vs

1.The Revenue Divisional Officer,  
Tanjore

2.The Tashildar  
Office of Tashildar,  
Court Road,  
Old District Collector Office Campus,  
Tanjore.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to issue a legal heirship certificate to the petitioner for her late husband named Madhubalan, by considering the petitioner's representation dated 27.01.2020.

For Petitioner : Mr.R.Niresk Kumar

For Respondents : Mr.C.Ramesh  
Special Government Pleader

**ORDER**

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to issue legal heirship certificate to the petitioner, for her late husband, Madhubalan, by considering the petitioner's representation dated 27.01.2020.

2. Mr.C.Ramesh, learned Special Government Pleader, accepts notice on behalf of the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that her husband died on 28.04.2018, while in service leaving behind the petitioner and her mother-in-law, namely, Kalaimani as his only legal heirs. According to the petitioner, she applied for legal heirship certificate with the second respondent on 02.12.2019. According to her, she has also sent a reminder on 27.01.2020 seeking for



Madhubalan. According to her, till date, her application for issuance of legal heirship certificate has not been considered by the respondents. In such circumstances, this Writ Petition has been filed.

4. Mr.C.Ramesh, learned Special Government Pleader appearing for the respondents, on instructions, would submit that there was a divorce original petition pending before the Family Court between the petitioner and her deceased husband Madhubalan. Further, it is contended by him that any application for legal heirship certificate can be submitted only through online mode and not through offline. According to him, in the case on hand, the petitioner has applied her application for issuance of legal heirship certificate only through offline mode and that is the reason, for not considering her application.

5. Once an application is submitted through offline or online mode, the second respondent will have to consider the application for issuance of legal heirship certificate on merits, as there is no statutory bar for submitting any application through offline, though there may be circulars / guidelines issued by the Department for submission of legal heirship certificate only through online mode. Having approached this Court, the petitioner cannot be left in the lurch and cannot be now directed at this stage to apply for legal heirship certificate through online mode. Actually, there is a delay in processing the application for legal heirship certificate for her deceased husband Madhubalan, who died as early as on 28.04.2018. The petitioner has also sent a reminder dated 27.01.2020 to the second respondent with regard to the application for legal heirship certificate for her deceased husband Madhubalan.

6. No prejudice will be caused to the respondents, if the application of the petitioner dated 27.01.2020 for issuance of legal heirship certificate is considered by the second respondent on merits and in accordance with law.

7. For the foregoing reasons, this Court directs the second respondent to consider the application of the petitioner dated 27.01.2020 for issuance of legal heirship certificate for her deceased husband Madhubalan, who died on 28.04.2018 and pass final orders on merits and in accordance with law, after affording sufficient opportunity to the petitioner as well as other claimants including of the mother of the deceased namely, Kalaimani, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, the Writ Petition stands disposed of. No costs. It is made clear that the petitioner will



have to pay necessary charges for submitting the application for issuance of legal heirship certificate as demanded by the respondents.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

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**

1.The Revenue Divisional Officer,  
Tanjore

2.The Tashildar  
Office of Tashildar,  
Court Road,  
Old District Collector Office Campus,  
Tanjore.

+1 CC to SGP ( SR-19895[F] dated 13/10/2020 )

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**12.10.2020**

PU(CO)

KM (02.11.2020) 3P 4C