



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.15307 of 2020

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.. Petitioner

Vs.

1.The District Collector,
Trichy District, Trichy.

2.The Tahsildar,
Manachanallur Taluk Office,
Manachanallur,
Trichy District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in Moo.Mu.Aa1-4275-2020, dated 14.10.2020 and quash the same as illegal and consequently direct the 2nd respondent to issue legal heir certificate to the petitioner.

For Petitioner : Mr.K.Arunraj
For Respondents : Mr.C.Ramesh
Special Government Pleader

ORDER

(This Matter was heard through the Video Conference)

This Writ Petition has been filed challenging the order dated 14.10.2020, passed by the second respondent, rejecting the application of the petitioner, seeking for issuance of legal heirship certificate for his deceased maternal uncle Mr.K.Annavi, who died on 20.09.1987.

2.Heard Mr.K.Arunraj, learned counsel for the petitioner and Mr.C.Ramesh, learned Special Government Pleader, appearing for the respondents.

3.As seen from the impugned order, the application of the petitioner has been rejected only on the ground that there was a delay in seeking for issuance of legal heirship certificate as the deceased Annavi died on 20.09.1987, 30 years prior to the date of application. The reason given by the second respondent for rejection is not a valid ground and is not in accordance with law. No statutory provision bars the concerned statutory authority from issuing legal heirship certificate on the ground of delay in applying for same.



4. Therefore, this Court is of the considered view that the impugned order dated 14.10.2020, rejecting the petitioner's application for issuance of legal heirship certificate for his maternal uncle K. Annavi is arbitrary and illegal and it has to be quashed.

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5. For the foregoing reasons, the impugned order dated 14.10.2020, passed by the second respondent is hereby quashed and the matter is remanded back to the second respondent for fresh consideration. The second respondent shall pass final orders on the petitioner's application, on merits and in accordance with law, after hearing the necessary parties, including the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /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 District Collector,
Trichy District, Trichy.

2. The Tahsildar,
Manachanallur Taluk Office,
Manachanallur, Trichy District.

+1 CC to SGP (SR-24888[F] dated 10/12/2020)

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