



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.18198 of 2019

WEB COPY
Jothimani

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District.

2.The Thasildhar,
Sathankulam Taluk,
Thoothukudi District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order passed by the second respondent vide A1/311/2019 dated 18.06.2019 and quash the same as erroneous and may consequently, direct the second respondent to issue the legal heir certificate to the petitioner forthwith.

For Petitioner : Mr.A.Balakrishnan

For Respondents : Mr.M.Rajarajan
Additional Government Pleader

O R D E R

Heard the learned counsel on either side.

2.The petitioner's brother Murugesan passed away on 15.12.2018. Murugesan was not married and therefore, he did not have Class I legal heir. The parents have already passed away. The petitioner applied for issuance of legal heir certificate. But his request was rejected by the impugned order. It has been held in more than one decision that if Class-I heirs are not alive, Class-II heirs are entitled to get the legal heirship certificate from the competent authority. Hence, the application of the petitioner cannot be rejected merely on the ground that there is no direct legal heir of the deceased .

3.Therefore, the order impugned in this writ petition is quashed. The matter is remitted to the file of the second respondent. The petitioner shall place all the relevant materials before the second respondent. The second respondent shall conduct proper enquiry. If the second respondent is satisfied that the petitioner has placed convincing materials, the legal heir



certificate shall be issued to the petitioner. This writ petition is allowed in these terms. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

WEB COPY

/ /2020

Sub Assistant Registrar(CS)

skm

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,
Thoothukudi District.

2.The Thasildhar,
Sathankulam Taluk,
Thoothukudi District.

+1 CC to Spl GP (SR-19031[F] dated 05/10/2020)

+1 CC to Mr.A. BALAKRISHNAN, Advocate (SR-19122[F]dated
06/10/2020)

W.P. (MD) No.18198 of 2019
01.10.2020

VB (03.11.2020) 2P 5C