



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.18710 of 2020

(Through Video Conference)

WEB COPY

K.Rajendran

... Petitioner

Vs.

1) The District Collector,
Madurai District Collector Office,
Madurai 625 020

2) The Tahsildar,
Madurai West Taluk,
Usilai Mani Road,
Madurai District,
Madurai 625 019

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records and proceedings on the file of the 2nd respondent herein and to quash the order passed by the said respondent in OMU.No.1775/2020/F dated 04.08.2020 for the legal heir certificate issued by the petitioner deceased sister name Late.Jeya.

For Petitioner	: Mr.K.Suresh
For Respondents	: Mrs.M.Rajeswari, Government Advocate

O R D E R

This writ petition has been filed challenging the order dated 04.08.2020 passed by the second respondent rejecting the petitioner's application for issuance of Legal Heirship Certificate for his deceased sister Late.Jeya, who died on 07.04.2020.

2. Mr.M.Rajeswari, learned Government Advocate accepts notice for the respondents. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, his sister Jeya died on 07.04.2020 at the petitioner's house at Nagamalai-Pudukottai Village at Madurai District. According to the petitioner, he has also produced all documentary evidence before the second respondent to prove that he is the only Class II Legal Heir available for his deceased sister. However, according to him, by total non-application of mind, the second respondent has rejected the application of the petitioner for issuance of legal heirship



certificate for his deceased sister Jeya on the ground that, he is a Class-II legal heir and not entitled to get a legal heir ship certificate. Aggrieved by the same, this writ petition has been filed.

4. It is a settled law that the second respondent is empowered to issue legal heirship certificate for Class-II legal heirs also. In the case on hand, the petitioner claims that he is the brother of his deceased sister Jeya who died on 07.04.2020. He has applied for a legal heirship certificate for his deceased sister Jeya. His application has been rejected under the impugned order dated 04.08.2020 by the second respondent on the ground that, being not a direct heir, he is not entitled for legal heirship certificate.

5. This Court is of the considered view that there is no bar for the second respondent to issue legal heirship certificate for Class-II legal heirs. Therefore, by total non-application of mind, the impugned order dated 04.08.2020 has been passed by the second respondent rejecting the petitioner's application for issuance of a legal heirship certificate for his deceased sister Jeya.

6. For the foregoing reasons, the impugned order dated 04.08.2020 passed by the second respondent is hereby quashed and the matter is remanded back to the second respondent for fresh consideration and the second respondent shall pass final orders on merits and in accordance with law after giving adequate opportunity to the petitioner to place all documentary evidence and also after hearing other necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

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,
Madurai District Collector Office,
Madurai 625 020

2) The Tahsildar,
Madurai West Taluk,
Usilai Mani Road,
Madurai District,
Madurai 625 019.

+1cc to the SPL GP SR.No.26619.

+1cc to Mr.K.Suresh, Advocate, SR.No.26756.

Order made in
W.P. (MD) No.18710 of 2020

SSS (CO)

CS: 18.01.2021 3P 5C