



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2021

CORAM:

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.8696 of 2021
and W.M.P.No.9232 of 2021

K.Sekar

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Petitioner

Vs

1. The District Collector
Villupuram Collectorate
Villupuram,
Tamil Nadu.

2.Revenue Divisional Officer
Villupuram Puducherry Road,
Villupuram,
Tamil Nadu - 605 602.

3.The Tahsildar
Marakanam Taluk,
Villupuram,
Tamil Nadu.

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Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records of the 3rd respondent in TNTACKPM 01116805 dated 18.12.2020, quash the same and consequently direct the 3rd respondent to issue legal heirship certificate in the name of the petitioner as the sole legal heir of Mr.K.Kali.

For Petitioner : Mr.AMI.V.Kataria

For Respondents : Mr.G.Krishnaraja
Government Advocate.

O R D E R

The prayer made in this writ petition is to issue a Certiorarified Mandamus, to call for the records of the third respondent in TNTACKPM01116805 dated 18.12.2020 and quash the same and consequently, direct the third respondent to issue legal heirship certificate in the name of the petitioner as the sole legal heir of one K.Kali.



2. According to the petitioner, he is the only son of one K.Kali and Palayam; and her mother is the only legally wedded wife of his father and their marriage took place before 1959 and there was no certificate or document to that effect. But he had ration card, which clearly mentions the name of his father, mother and the petitioner to be the family of the said K.Kali. While so, his father Kali died on 06.08.2012 due to his old age and his mother predeceased him. The petitioner applied for legal heir certificate to the third respondent on 18.02.2020 through online enclosing all the required documents and also paid the necessary charges for the same. However, the said application was rejected by the third respondent, by order dated 18.12.2020, stating that at the time of verification, it was found that the father of the petitioner had two wives and the name of the other legal heir was not mentioned. Challenging the same, the present writ petition has been filed by the petitioner with the aforesaid prayer.

3. The main contention of the learned counsel for the petitioner is that without issuing any notice nor providing the information about the name of the second wife or the other legal heir of the father of the petitioner, the second respondent has passed the order, rejecting the online application of the petitioner seeking legal heirship certificate, which is arbitrary, illegal and contrary to law.

4. On the other hand, the learned Government Advocate taking notice for the respondents fairly submitted that the third respondent would reconsider the claim of the petitioner and pass orders, after conducting a fresh enquiry, in this regard.

5. Considering the facts and circumstances of the case and having regard to the submissions so made by the learned counsel on either side, the order dated 18.12.2020 passed by the third respondent is set aside and the matter is remanded back to him for passing fresh orders. The third respondent shall issue notice to the petitioner as well as any of the interested parties and conduct enquiry afresh and pass appropriate orders, on merits and in accordance with law, that too, following the principles of natural justice, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the aforesaid directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar



rgr

To

1. The District Collector
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Villupuram,
Tamil Nadu.

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Tamil Nadu - 605 602.

3.The Tahsildar
Marakanam Taluk,
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+1 cc to Government Pleader Sr.No. 28520

W.P.No. 8696 of 2021

RK(CO)
B.VC(20.07.2021)