



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23830 of 2021

Mrs.K.Vasanthi

...Petitioner

Vs.

1. The Tahsildar,
Avinasi Taluk,
Tiruppur District.

2. Mrs.K.Prema

...Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the Impugned Order of the 1st respondent dated 30.09.021 made in Legal heirship Application No.TN-7202109023070 and to quash the same and consequently direct the 1st respondent to issue legal heir-ship certificate as

Sl.No	Name	Age	Relationship for Deceased
1	Vasanthi.K	39	Wife
2	Sathyasri.K	17	Daughter
3	Tamilselvan.K	15	Son
4	Saraswathi.M	71	Mother of the Deceased
5	Pirithivirajan	31	Son
6	Sumithra	29	Daughter

are the only legal heirs for the death of M.Kalimuthu, S/o.Muthusamy, who died on 02.11.2019 forthwith.

For Petitioner
For Respondents

: Mr.C. Prabakaran
: Mr.U. Baranidaran
Government Advocate for
Respondent-1



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records relating to the Impugned Order of the 1st respondent dated 30.09.2021 made in Legal heirship Application No.TN-7202109023070 and to quash the same and consequently direct the 1st respondent to issue legal heirship certificate as Vasanthi.K, Sathyasri.K, Tamilselvan.K, Saraswathi.M, Pirithivirajan and Sumithra are the only legal heirs for the death of M.Kalimuthu, S/o.Muthusamy, who died on 02.11.2019 forthwith.

2.Heard the arguments advanced on either side.

3.The case of the petitioner is that the petitioner's husband one Kalimuthu married the second respondent in the year 1989 and they were blessed with two children namely one Prithvirajan and Sumithra. Due to some matrimonial dispute, they obtained divorce by getting the property in her individual name towards permanent alimony with no right for claiming interest on future property as well as the service benefits of the said Kalimuthu vide Judgement dated 09.06.2014.

4. It is further submitted that the petitioner's husband suffered from cancer and despite the treatment he died on 02.11.2019. The petitioner submitted representation to the Tamil Nadu State Transport Corporation (Coimbatore) requesting to disburse the benefits of her husband to her, but the Transport Corporation directed the petitioner to obtain succession certificate and produce the same by communication dated 27.08.2021. Hence, the petitioner applied for Legal heirship Certificate to the 1st respondent attaching the necessary documents and charges, but the same was rejected by the 1st respondent by impugned order dated 30.09.2021 through S.M.S on-line check status. Hence, this writ petition.

5.The learned counsel appearing for the petitioner submits that the petitioner applied for Legal heirship Certificate before the 1st respondent attaching the necessary documents and charges, but the same was rejected by the first respondent by impugned order dated 30.09.2021 without disclosing the details. Hence, without going into the merits of the case, it would suffice, if this Court issues direction to the respondent to issue legal heirship certificate and to pass appropriate orders.



6. The learned counsel appearing for the first respondent submitted that a detailed order was passed on 11/11/2021 and the same was communicated to the petitioner. He further submitted that the said application was rejected through Whatsapp message and he ensured that he will communicate a copy of the detailed order passed on 11/11/2021 to the petitioner within a period of two weeks.

7. In view of above, this Court is inclined to pass direction to the respondent to communicate the detailed rejection order to the petitioner within a period of two weeks from the date of receipt of a copy of this order and liberty is granted to the petitioner to workout her remedy, if any, in a manner known to law.

8. This Writ Petition is disposed of with the aforesaid direction. No cost.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

skt
To

The Tahsildar,
Avinasi Taluk,
Tiruppur District.

+1 CC to Mr.C.Prabakaran, Advocate sr 58069
+1 CC to The Government Pleader sr 58512.

W.P.No.23830 of 2021

GPL (CO)
SP(01/12/2021)