



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2536 of 2021

Mrs.Singari

... Petitioner

-Vs-

1.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Cheranmahadevi,
Tirunelveli District.

2.The Tahsildar,
Radhapuram,
Tirunelveli District.

3.The Village Administrative Officer,
Ambalanapuram,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to dispose the appeal preferred by the petitioner on 16.12.2020 and consequently, provide legal heir certificate to the petitioner after scrutiny within a stipulated time.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents	: Mrs.S.Srimathy
	Special Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

2.The petitioner's son Esakkiappan passed away on 25.07.2007. The petitioner applied through online mode for issuance of legal heir certificate. The second respondent rejected the petitioner's request. Questioning the same, the petitioner has filed an appeal before the first respondent. All that the petitioner wants is disposal of the said appeal.

3.When the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents states that the reason for rejection of the petitioner's application was that she did not disclose the name of her husband in the application.

4.I am of the view that this need not be viewed seriously. Even if the petitioner had disclosed her husband's name who is said to have deserted the petitioner long time back, still in the legal



heir certificate, only Class I Legal Heirs can be reflected. The father of a hindu male dying intestate will not come under the Class I category. Esakkiappan was a bachelor, when he passed away. Therefore, the petitioner being his mother is obviously the sole legal heir in Class I category. Therefore, the second respondent erred in rejecting the petitioner's request. The first respondent is directed to issue a legal heir certificate as sought for. The Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (crl)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Cheranmahadevi,
Tirunelveli District.

2.The Tahsildar,
Radhapuram,
Tirunelveli District.

3.The Village Administrative Officer,
Ambalanapuram,
Tirunelveli District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-4751[F] dated 12/02/2021)

+1 CC to M/s.SPL GP (SR-5079[F] dated 15/02/2021)

W.P. (MD)No.2536 of 2021
11.02.2021

SSS (CO)
KB(23.02.2021) 2P 6C