



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2021

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P. (MD)No.3760 of 2021

WEB COPY

Padmavathy

... Petitioner

vs.

1.The District Collector,
Trichy District, Trichy.

2.The Tahsildar,
Musiri Taluk Office,
Musiri, Trichy 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 records pertaining to the impugned order passed by the second respondent in O.Mu.A2/874/2021, dated 03.02.2021 and quash the same as illegal and consequently, to direct the second respondent to issue legal heir certificate to the petitioner.

For Petitioner :Mr.K.Arunraj
For Respondents :Mr.John Rajadurai
Government Advocate

O R D E R

This Writ Petition has been filed in the nature of Certioari seeking interference with the order of the second respondent/Tahsildar, Musiri Talulk, Trichy District, dated 03.12.2021 in O.Mu.A2/874/2021 and to quash the same.

2.Heard Mr.K.Arunraj, learned Counsel for the petitioner and Mr.John Rajadurai, learned Government Advocate appearing for the respondents.

3.The petitioner had approached the second respondent seeking legal heirship certificate. The case of the petitioner is very straight forward. The second respondent could have, with a little enquiry, granted the legal heirship certificate, but rather had passed the impugned order refusing to grant the same.

4.The facts are very simple and the facts are proper. The petitioner was originally married to Muthu. He unfortunately died on 11.11.2016. After the death of petitioner's husband, the legal heirship certificate was given showing the petitioner as his wife and then his son and daughter and also the name of his deceased



mother, Mookaayee. She had died on 05.10.2005. The father of the husband of the petitioner had also died on 20.07.2009. In effect, the petitioner, her son and daughter were the only legal heirs of her late husband.

5.I find no impediment to grant a legal heirship certificate in favour of the aforesaid three persons. However, the second respondent appears to have refused to grant legal heirship certificate on the ground that he could not determine the actual legal heirs. The actual legal heirs are now stated for the benefit of the second respondent and they are, the petitioner, Padmavathy, wife/widow, her son M.Karthik and her daughter, M.Lavanya. The legal heirship certificate with respect to the deceased Muthu may be granted in the names of aforesaid three persons.

6.Let the petitioner apply afresh for grant of legal heirship certificate and on receipt of such application, which should be in proper form, a direction is given to the second respondent to issue legal heirship certificate in the names of aforesaid mentioned three persons within a period of eight weeks from the date of receipt of the application.

7.With the said observation, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr

To

1.The District Collector,
Trichy District, Trichy.

2.The Tahsildar,
Musiri Taluk Office,
Musiri, Trichy District.

+1 CC to M/s.K. ARUNRAJ, Advocate (SR-35780[F] dated 25/11/2021)

W.P. (MD)No.3760 of 2021
24.11.2021