



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P (MD)No.4507 of 2021

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(Through Video Conference)

M.Selvamuruganantham

... Petitioner

-Vs-

The Thasildar,
Taluk Office,
Nanguneri Taluk,
Tirunelveli District.

... Respondent

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned rejection order in Online Application No.TN-7202012172034, dated 17.12.2020 issued by the respondent and quash the same as illegal and consequently direct the respondent to issue legal heir certificate based on his mother's application dated 17.12.2020 to him and his grandmother and for other reliefs within the period stipulated by this Court.

For Petitioner : Mr.S.Atham Ali

For Respondent : Mr.M.Muniasamy

Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned rejection order passed by the respondent, dated 17.12.2020.

2.The case of the petitioner is that he is the son of Madasamy and Annammal. The petitioner was born on 13.05.1991 and the same is evident from the Birth Certificate filed in the typedset of papers. Even during the subsistence of the first marriage, the father of the petitioner seems to have married one Jersi and the mother of the petitioner, namely Annammal, is said to have married one Selvaraj and she is living with him and she is having three daughters.

3.The father of the petitioner died on 25.06.2017. The petitioner thereafter made an application before the respondent seeking for Legal Heirship Certificate. In the self-declaration that was filed along with the application, the petitioner has shown the name of Jersi as the second wife of the deceased-Madasmy. In view of the same, the respondent has rejected the application on the ground that Jersi cannot be treated as a Legal Heir, since the marriage itself is not valid. Aggrieved by the same, the present Writ



Petition has been filed before this Court.

4.Heard Mr.S.Atham Ali, learned counsel appearing for the petitioner and Mr.M.Muniasamy, learned Additional Government Pleader appearing for the respondent.

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5.The learned counsel appearing for the petitioner submitted that the petitioner will make a fresh application before the respondent and will confine the Legal Heirship Certificate only for the petitioner and his grandmother, namely Thaiammal, who is the mother of the deceased-Madasamy.

6.In view of the specific stand taken by the petitioner, this Writ Petition is disposed of with a direction to the petitioner to make a fresh application before the respondent seeking for Legal Heirship Certificate showing the petitioner and Thaiammal as the legal representatives of the deceased-Madasamy. The respondent, on receipt of the same, shall issue necessary Legal Heirship Certificate within a period of four weeks from the date of receipt of the application. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

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

The Thasildar,
Taluk Office,
Nanguneri Taluk,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-17183[F] dated 22/04/2021)

W.P (MD)No.4507 of 2021
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RK (29.04.2021) 2P 3C

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