



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2021

CORAM

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

W.P. (MD)No.6110 of 2021

and

W.M.P. (MD)Nos.4752 and 4754 of 2021

WEB COPY

B.Muthumari

... Petitioner

vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.

2.The Tahsildar,
Office of the Tahsildar,
Aruppukottai, Virudhunagar 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, dated 27.08.2019 in O.Mu.A5/4903/2019, on the file of the first respondent and to quash the same as illegal and consequently, to direct the respondents to issue legal heir certificate to the petitioner and her husband, namely, Balasubramaniam within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.S.Kameswaran

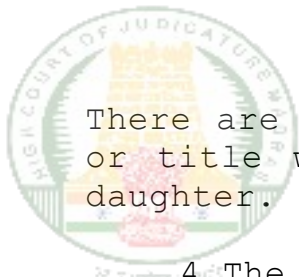
Government Advocate

O R D E R

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference of the order, dated 27.08.2019 in O.Mu.A5/4903/2019, by the first respondent and to direct the respondents to issue legal heirship certificate to the petitioner in accordance with the law.

2.Heard Mr.T.Thirumurugan, learned Counsel for the petitioner and Mr.S.Kameswaran, learned Government Advocate for the respondents.

3.On perusal of the affidavit, it is seen that the petitioner's daughter B.Sathyavani, who was married to one Murugan, had one child, M.Suryakala. The son-in-law, Murugan, died on 05.12.2011. On 08.05.2019, both the daughter, B.Sathyavani and the grand daughter, M.Suryakala, also died.



There are no other legal heirs available, who can claim any right or title with respect to the daughter B.Sathyavani or the grand daughter.

4.The petitioner and her husband are the parents. They applied for legal heirship certificate. Claiming that the legal heirship certificate cannot be issued to Class-II heirs, the representation had been rejected by the first respondent vide impugned order.

5.Even in the circular, which is always followed by the respondents, there is an exemption with respect to a father. Here the parents seek legal heirship certificate of their deceased daughter. Hence, the order questioned is set aside and the matter is remitted back to the Tahsildar, to consider afresh the application of the petitioner and if it is found that there are no other surviving legal heirs of the deceased B.Sathyavani and M.Suryakala, proceed further to issue legal heirship certificate in accordance with law within a period of twenty weeks from the date of receipt of a copy of this order.

6.With the said observations, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr

To

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.

2.The Tahsildar,
Office of the Tahsildar,
Aruppukottai, Virudhunagar District.

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-36249[F] dated 29/11/2021)

+1 CC to M/s.SPL GP (SR-36267[F] dated 29/11/2021)

W.P. (MD)No.6110 of 2021
26.11.2021