



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD) No.6918 of 2021

Uma Venkatachalam

... Petitioner

Vs.

The Tahsildar,
Madurai North Taluk,
Madurai-625 020.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent-Tahsildar, Madurai North Taluk to consider the petitioner's representations dated 25.11.2020 and 08.02.2021 and issue the legal heir certificate, certifying the petitioner as the legal heir of petitioner's deceased brother- Mr.T.R.Venkatapathy @ Ravi within a time limit to be fixed by this Court.

For Petitioner : Mr.T.Sakthikumaran

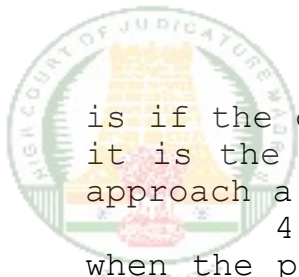
For Respondent : Mr.S.Shanmugavel,
Government Advocate.

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the respondent to issue a legal heirship certificate by considering the representations of the petitioner.

2. The petitioner claims that she is one of the class-II legal heirs of her brother who unfortunately died on 09.04.2016. The wife of the brother also died on 17.01.2020. The petitioner claims that there are no other legal heirs and she is the only legal heir and she is classified as a second class legal heir. She sought a legal heirship certificate in this regard.

3. The respondent / the Tahsildar, Madurai North Taluk, Madurai District is the appropriate authority to give necessary legal heirship certificate in normal circumstances. But, however, there is a circular which has been issued and I am confident that the Tahsildar would be aware of the details of the circular and in which, it had been stated that the Tahsildar cannot issue a legal heirship certificate for a class II legal heir. The only exception



is if the class II legal heir happens to be a father. In this case, it is the petitioner's brother. Then, the petitioner will have to approach a civil Court and get appropriate orders.

4. Let the representation of the petitioner be considered when the petitioner gives a fresh copy of the representation to the Tahsildar and if a fresh copy is given, then, the Tahsildar may examine the same and pass necessary orders on the strength of the circular within a period of sixteen (16) weeks from the date of the representation of the petitioner.

5. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Lm/Nsr

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 Tahsildar,
Madurai North Taluk,
Madurai-625 020.

+1 CC to M/s.A.THIRUMURTHY, Advocate (SR-34321[F] dated 12/11/2021)

+1 CC to M/s.SPL.GP (SR-34264[F] dated 12/11/2021)

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MGJ/PM(25.11.2021) 2P 4C