



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8311 of 2021

A.Vadivel

... Petitioner

Vs.

1.The Tahsildar,
Marungapuri Taluk,
Trichy District.

2.A.Sekar

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent in Mu.Mu.A2/04/2020, dated 26.11.2020 and quash the same as illegal and consequently, direct the 1st respondent to issue the legal heir certificate to the petitioner.

For Petitioner	: Mr.Abiya
For Respondent	: Mr.M.Rajarajan for R1 Additional Government Pleader

ORDER

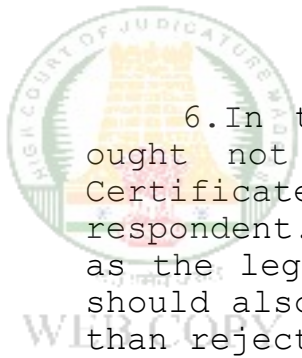
On consent given by either side, the main writ petition itself is taken up for final hearing.

2.This writ petition has been filed challenging the impugned proceedings of the first respondent, dated 26.11.2020, refusing to grant Legal Heirship Certificate, based on the objections given by the second respondent.

3.The case of the petitioner is that his father passed away on 13.07.2020, leaving behind his wife, sons and daughters. According to the petitioner, there are totally 6 legal heirs, who were left behind by the father of the petitioner.

4.The further case of the petitioner is that he applied for Legal Heirship Certificate, before the first respondent on 20.10.2020. The first respondent rejected his application mainly on the ground that the same was objected by the second respondent. Aggrieved by the same, the present writ petition has been filed before this Court.

5.Heard M/s.Abiya, learned counsel for the petitioner and Mr.M.Rajarajan, learned Additional Government Pleader for the first respondent.



6.In the considered view of this Court, the first respondent ought not to have rejected the application for Legal Heirship Certificate, mainly, because, it was opposed by the second respondent. The second respondent is also entitled to be considered as the legal heir of the deceased A.Arumugam. Therefore, his name should also have been added in the Legal Heirship Certificate rather than rejecting the application.

7.In view of the above, the impugned proceedings of the first respondent, dated 26.11.2020, is hereby quashed. The matter is remanded back to the file of the first respondent and the first respondent is directed to issue Legal Heirship Certificate by incorporating all the legal heirs left behind by the deceased late A.Arumugam. This process shall be completed by the first respondent, within a period of four weeks from the date of receipt of a copy of this order.

8.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Tahsildar,
Marungapuri Taluk,
Trichy District.

+1 CC to M/s.K.ABIYA, Advocate (SR-17288[F] dated 23/04/2021)

+1 CC to M/s.SPL GP (SR-17378[F] dated 23/04/2021)

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KB(12.05.2021) 2P 4C