



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10330 of 2021

Pandiammal

...Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District.

3.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 & 3 herein to issue Legal Heir Certificate, based on the petitioner's Applications bearing No.TN-720210410591 dated 09.04.2021 & TN-7202104221450 dated 21.04.2021, within the time frame that may be stipulated by this Court.

For Petitioner : Mr.T.Indrachithu

For Respondents : Mr.R.Sureshkumar
Government Advocate

ORDER

This writ petition has been filed for the issuance of writ of mandamus directing the respondents to consider the application made by the petitioner on 21.04.2021 and to issue Legal Heirship Certificate.

2.The case of the petitioner is that her husband expired on 27.08.1986, leaving behind the petitioner and one daughter. The petitioner applied for a Legal Heir Ship through an application, dated 09.04.2021, before the second respondent and the same was not entertained on the ground that such an application can be submitted only before the Taluk Office at Thamarakki, Sivagangai Taluk.



3.The petitioner thereafter made one more application on 21.04.2021 before the third respondent seeking for Legal Heirship Certificate and the third respondent also did not entertain the application on the ground that it is only the second respondent before whom it must be submitted. Thus the petitioner has been made to run from pillar to post by the second and third respondents on the ground of jurisdiction. The petitioner left with no other option has filed the present writ petition before this Court seeking for appropriate directions.

4.Heard Mr.T.Indrachithu, learned counsel appearing for the petitioner and Mr.R.Sureshkumar, learned Government Advocate, appearing for the respondents.

5.In the considered view of this Court, the Death Certificate of the husband of the petitioner shows that he had died within the jurisdiction of Thamarakki, which is in Sivagangai Taluk. Therefore, the third respondent ought to have entertained the application and considered the same based on the particulars given by the petitioner. Instead the petitioner has been unnecessarily again sent back to the second respondent.

6.In view of the above discussion, the petitioner is directed to make a fresh application before the third respondent, seeking for Legal Heirship Certificate by providing all the particulars. The third respondent on receipt of the same shall conduct an enquiry and take a decision with regard to the issuance of Legal Heirship Certificate, within a period of four weeks from the date of receipt of the application.

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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

1.The District Collector
Sivagangai District
Sivagangai

2.The Tahsildar
Thiruppuvanam Taluk
Sivagangai District

3.The Tahsildar
Sivagangai Taluk
Sivagangai District

+1 CC to M/s.SPL GP (SR-19933[F] dated 22/06/2021)

**W.P. (MD) .No.10330 of 2021
21.06.2021**

KK(28.06.2021) 3P 5C