



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

CORAM

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

W.P.(MD)No.11619 of 2020

S.Punitha Mary

... Petitioner

vs.

The Thasildar,
Dindigul East Taluk,
Dindigul District.

... Respondent

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 passed by the respondent herein in his proceedings in Na.Ka.No.2760/2020/A1, dated 12.08.2020 and quash the same as illegal and to direct the respondent to issue legal heirship certificate of Late Kulanthai Therasu including the name of the petitioner as daughter on the basis of the petitioner's application, dated 22.06.2020 within a time frame, as stipulated by this Court.

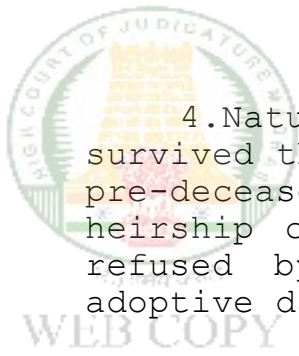
For Petitioner : Mr.S.Sarvagan Prabhu
For Respondent : Mr.N.Satheeshkumar
Additional Government Pleader

O R D E R

This Writ Petition has been filed in the nature of Writ of Certioarified Mandamus questing the impugned order in Na.Ka.No.2760/2020/A1, dated 12.08.2020 passed by the respondent and seeking a direction to the respondent to issue legal heirship certificate of Late Kulanthai Therasu including the name of the petitioner, as daughter on the basis of the petitioner's application, dated 22.06.2020.

2.Heard Mr.S.Sarvagan Prabhu, learned Counsel appearing for the petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondent.

3.The petitioner herein is the adoptive daughter of Savariyar, son of Manuvel Manickam, and his wife Kulanthai Therasu. When the father died, a legal heirship certificate was issued on 29.01.2016 in Pa.Mu.718/2016/A1, giving the daughter, as one of the legal heirs of Manuvel Manickam along with her mother, her deceased brother and along with her paternal grand parents. Subsequently, her mother also died.



4.Naturally, it would indicate that the only legal heir, who survived the mother, is the petitioner alone, since her brother had pre-deceased his father. The petitioner, therefore, sought legal heirship certificate with respect to her mother. This had been refused by the respondent herein claiming that she being an adoptive daughter, legal heirship certificate cannot be granted.

5.The entire reason of the respondent is wrong, is perverse and has to be set aside. Further, the adoptive daughter has a same rights, as that of any lawful heir, in view of specific provisions under Section 12 of the Hindu Adoption and Maintenance Act, 1956. She, as the adoptive child, has to be recognised as child and she has all the rights of child, who was born to the parents. The said provision of law stares on the face of the order of the respondent and accordingly, I have no hesitation to set side the said order.

6.Accordingly, the impugned order is set aside and the respondent is directed to issue a legal heirship certificate in the name of the petitioner herein without any further delay. The direction of this Court is to be carried out within a period four weeks from the date of receipt of a copy of this order.

7.With the said directions, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr

To

The Thasildar,
Dindigul East Taluk,
Dindigul District.

+1 CC to M/s.S.SARVAGANPRABHU, Advocate (SR-35961[F] dated 25/11/2021)

+1 CC to M/s.SPL GP (SR-36053[F] dated 26/11/2021)

W.P. (MD)No.11619 of 2020

25.11.2021

RS (07.12.2021) 2P 4C

<https://hcservices.ecourts.gov.in/hcservices/>