



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P(MD) .No.12408 of 2021

WEB COPY

Subburaj

...Petitioner

Vs.

The Tahsildar,
Thiruvenkadam Taluk,
Tenkasi District.

...Respondent

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the respondent in O.Mu.A1/953/2021, dated 07.06.2021 and quash the same and consequently, direct the respondent to grant Legal Heir Ship Certificate for the deceased petitioner's brother by name Vijayaraj.

For Petitioner

: Mr.S.PremKumar

For Respondent

: Mr.M.Lingadurai

ORDER

The subject matter of challenge in the present Writ Petition is the impugned proceedings of the respondent dated 07.06.2021 wherein the respondent has refused to grant the Legal Heir Ship Certificate on the ground that all the legal heirs are not Class-I heirs of the deceased.

2. The case of the petitioner is that his parents had five children, which includes the petitioner, his two brothers and two sisters. The father of the petitioner died in the year 2002 and the mother of the petitioner died in the year 2003. The further case of the petitioner is that his brother also died on 14.01.2021. It is stated that the petitioner's brother was not married and did not leave behind any Class-I legal heirs.

3. The petitioner and the other legal heirs made an application before the respondents seeking for issuance of Legal Heir Ship Certificate. The same was rejected by the respondent through proceedings dated 07.06.2021 and aggrieved by the same, the present Writ Petition has been filed before this Court.

4. Heard Mr.S.Premkumar, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondent.



5. In the considered view of this Court, the impugned order passed by the respondent is un-sustainable in law. This Court has repeatedly held that there is no bar for the Tahsildar in issuing a Legal Heir Ship Certificate even with respect to Class-II Legal Heirs. Useful reference can be made to the order passed by this Court in W.P.(MD).No.22145 of 2019, dated 23.10.2019, wherein this Court had taken into consideration all the earlier orders passed in similar cases.

6. In view of the above, the impugned proceedings of the respondent dated 07.06.2021, is hereby quashed and there shall be a direction to the respondent to issue Legal Heir Ship Certificate to the petitioner and the legal heirs by considering them as Class-II Legal Heirs of the deceased Vijayaraj. The Legal Heir Ship Certificate shall be issued within a period of four weeks from the date of receipt of a copy of this order.

7. This Writ Petition stands allowed with the above directions. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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,
Thiruvenkadam Taluk,
Tenkasi District.

+1 CC to M/s.S. Premkumar, Advocate (SR-23799[F] dated 23/07/2021)
+1 CC to M/s.SPL GP (SR-24005[F] dated 27/07/2021)

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RC (03.08.2021) 2P-4C