



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2021

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THE HON'BLE MR. JUSTICE SETHILKUMAR RAMAMOORTHY

WEB COPY

W.P.(MD) No.14986 of 2021

C.Muthuraman

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2. The Tahsildar,
Tirumangalam Taluk,
Tirumangalam,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to issue the "Legalheir Certificate" in respect of petitioner's deceased brother Mr.S.Kaliappan in favour of (1) S.Karuppiah, (2) S.Muthuraman and (3) Tmt.S.Mareeswari within a time limit to be fixed by this Hon'ble Court.

For Petitioner	:	Mr.A.Thirumurthy
For Respondents	:	Mr.P.Subbaraj
		Counsel for State

O R D E R

The petitioner seeks a direction for the issuance of a legal heirship certificate in respect of his late brother Mr.S.Kaliappan.

2. The petitioner states that his elder brother Mr.S.Kaliappan died on 28.05.2021 due to the covid-19 pandemic. It is stated that his elder brother died unmarried. The petitioner also states that the only class I legal heir of his elder brother, namely his mother, Ponnammal, predeceased him on 21.07.2007. As regards the class II legal heirs, the father of the petitioner and the late Mr.S.Kaliappan died on 09.04.2008. Consequently, it is stated that the only surviving class II legal heirs are Mr.S.Mariappan, Ms.S.Mareeswari and the petitioner herein.

3. In these circumstances, it is stated that an application dated 22.07.2021 was submitted to the second respondent seeking the issuance of a legal heirship certificate. In view of the failure of the second respondent to act on such application, the present writ



petition is filed.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the second respondent may be directed to consider and dispose of the petitioner's application on merits.

5. A legal heirship certificate may be issued by the Thasildar either to class I or class II legal heirs. In the context of class II legal heirs, if there is a dispute as to who qualifies as class II legal heirs and such dispute cannot be readily resolved by the Thasildar, it may become necessary to refer the parties to an appropriate civil court. In the absence of such dispute, the Thasildar is empowered to conduct the necessary inquiry and decide such application.

6. Subject to the above general observations but without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's application dated 22.07.2021 for issuance of a legal heirship certificate, conduct an inquiry with regard thereto and issue a reasoned decision in respect thereof after providing a reasonable opportunity to the petitioner and the other legal heirs of the late Mr.S.Kaliappan. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order.

7. W.P.(MD).No.14986 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

To

1.The District Collector,
Madurai District, Madurai.

2. The Tahsildar, Tirumangalam Taluk,
Tirumangalam, Madurai District.

+1 CC to M/s.A.THIRUMURTHY, Advocate(SR-27253[F] dated 25/08/2021)
+1 CC to M/s.GP (SR-27164[F] dated 25/08/2021)

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24.08.2021

PS (CO)

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