



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD) No.16229 of 2021

M.Sudalaivadivu

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District, Thoothukudi.

2.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.

... Respondents

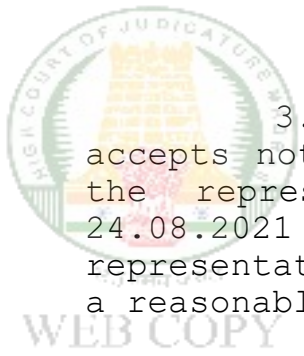
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to issue Legal Heir Certificate of the petitioner's husband deceased Marippan.

For Petitioner : Mr.A.Gandiappan
For R1 & R2 : Mr.K.S.Selva Ganesan
Counsel for State.

ORDER

The petitioner seeks a direction for the issuance of a Legal Heirship Certificate in respect of her deceased husband Mr.Mariyappan.

2. The petitioner states that her husband worked as a Gang Mazdoor in the Highways Department, Srivaikundam. He passed away on 12.10.2020. The petitioner asserts that she is the legally wedded wife and that she and her husband did not have any children. Upon his death, the petitioner requested the Highways Department to sanction the pension and other terminal benefits. In view of the fact that there was no response from the Highways Department, W.P. (MD).No.13998 of 2021 was filed. The said Writ Petition was disposed of by order dated 10.08.2021. By such order, the Highways Department was directed to pass orders at the earliest. Subsequent thereto, it appears that a communication was received from the Highways Department on 19.08.2021. By such communication, the petitioner was called upon to produce the Death Certificate, Legal Heirship Certificate and the bank passbook of the legal heirs. The present Writ Petition is filed after issuing a representation to the respondents on 24.08.2021.



3. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the representation was submitted by the petitioner only on 24.08.2021 to the Tahsildar. Accordingly, he states that the representation would be considered and disposed of on merits within a reasonable time frame.

4. The petitioner has enclosed Annexure-VII, which is a form for furnishing data of employees under the New Health Insurance Scheme, 2012. Such form contains the name of the petitioner as also the name of M.Vadivu, 15 years, who is described as daughter. Although the letter dated 19.08.2021 from the Highways Department calls for the production of a Death Certificate, no Death Certificate has been enclosed in support of the Writ Petition. Therefore, it would be necessary for the Tahsildar to conduct a proper inquiry as to whether the petitioner is the legally wedded wife and as to whether there are any other legal heirs before taking a decision in the matter.

5. Subject to the above observations but without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's representation dated 24.08.2021, conduct an inquiry on such basis and either issue a Legal Heirship Certificate or a reasoned order indicating the reasons for refusal to grant such Legal Heirship Certificate. In any event, the entire exercise shall be completed within a period of two (2) months from the date of receipt of a copy of this order.

6. Accordingly, W.P.(MD).No.16229 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-II)

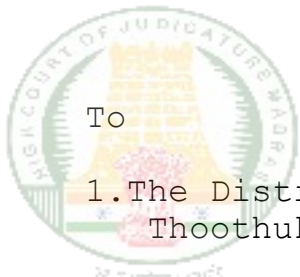
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/ /2021

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

1.The District Collector,
Thoothukudi Distirct, Thoothukudi.

2.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.

+1 CC to M/s.SPL. GP (SR-28959[F] dated 14/09/2021)

W.P (MD) No.16229 of 2021
13.09.2021

SRK (CO)
KB (22.09.2021) 3P 4C