



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.16911 of 2021

S.Anandha Devaki

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tashildar,
Taluk Office Road,
Sekkalai,
Karaikudi,
Sivagangai District.

... Respondents

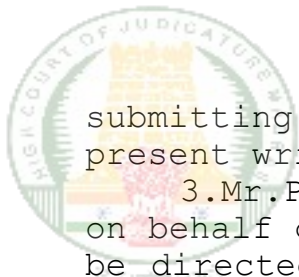
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to consider the representation of the petitioner to include the petitioner's husband name in the legal heir certificate of his deceased father Chidambaram based on the representation of the petitioner dated 19.09.2020 within the time stipulated by this Court.

For Petitioner	: Mr.D.R.Murugesan
For Respondents	: Mr.P.Subbaraj
	Counsel for State

ORDER

The petitioner seeks a direction to the second respondent to consider the representation dated 19.09.2020 for the inclusion of her husband's name in the legal heirs certificate of the late Chidambaram.

2.The petitioner states that her husband, Chinnalagappan, is the son of the late Chidambaram, who is a native of Athangudi Village, Muthupattinam Street, Karaikudi Taluk, Sivagangai District. The petitioner asserts that the said Chidambaram died on 10.09.2020. His wife, the late Gnanambal, predeceased him. Therefore, it is stated that the petitioner's husband, Chinnalagappan, and his brother Natchiappan are the only surviving class I legal heirs. After



submitting a representation dated 19.09.2020, in this regard, the present writ petition is filed.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the Tahsildar may be directed to consider the petitioner's representation and dispose of the same in accordance with law.

4.The petitioner has enclosed a copy of the transfer certificate of her husband. The said document indicates the name of his father as Chidambaram. Similarly, the petitioner has enclosed her husband's passport. The said document also indicates the name of her husband's father as Chidambaram. In addition, the petitioner has enclosed the objection letter issued by her on 29.06.2021 stating that her husband's name should be included in the legal heir certificate.

5.The class I legal heirs of a Hindu male who dies intestate should be determined in accordance with section 8 read with the Schedule to the Hindu Succession Act 1956. The mother of the said Hindu male, if alive; his wife, if alive; and his children would be the class I legal heirs. In the case at hand, the petitioner has produced the transfer certificate and passport to substantiate the contention that her husband is the son of late Chidambaram. This aspect would have to be gone into and determined in course of inquiry by the Tahsildar.

6.Subject to the above observations but without entering findings on the merits of the matter, the second respondent is directed to consider the petitioner's representation dated 19.09.2020 and objection petition dated 29.06.2021 and conduct an inquiry on such basis by providing a reasonable opportunity to the petitioner, Natchiappan and any other legal heirs of the late Chidambaram. Such inquiry shall be concluded within a period of three (3) months from the date of receipt of a copy of this order. Upon conclusion thereof, either the second respondent should issue a legal heirship certificate by including the name of the petitioner's husband or issue a reasoned order indicating the reasons for refusing to do so.

7.W.P.(MD)No.16911 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/sji

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



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 Tashildar,
Taluk Office Road,
Sekkalai,
Karaikudi,
Sivagangai District.

+1 CC to M/s.SPL.GP (SR-29861[F] dated 22/09/2021)

W.P (MD) .No.16911 of 2021
21.09.2021

MGJ(05.10.2021) 3P 4C