



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD) Nos.17783 and 17784 of 2021

W.P. (MD) .No.17783 of 2021

C.Ilayaraja

... Petitioner

Vs.

1.The District Collector,
Trichirappalli,
Collectorate Building,
Cantonment,
Trichirappalli.

2.The Tahsildar,
Manapparai,
Tahsildar's Office,
Manapparai Town,
Trichirappalli District - 621 306.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent dated 08.09.2021 in **ஸ்ரீ.மு.ஆ.4/3966/2021** and quash the same and consequently directing the second respondent to issue legal heirship certificate to the petitioner on his application.

W.P. (MD) .No.17784 of 2021

C.Ilayaraja

... Petitioner

Vs.

1.The District Collector,
Trichirappalli,
Collectorate Building,
Cantonment,
Trichirappalli.



2.The Tahsildar,
Manapparai,
Tahsildhar's Office,
Manapparai Town,
Trichirappalli District - 621 306. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent dated 03.09.2021 in ~~W.P.(MD).No.4/3635/2021~~ and quash the same and consequently directing the second respondent to issue legal heirship certificate to the petitioner on his application dated 21.08.2021.

For Petitioner : Mr.K.S.Kathiravan
For Respondents : Mr.B.Saravanan,
Counsel for State
(In both Writ Petitions)

COMMON ORDER

In both these Writ Petitions, a common petitioner assails separate orders, which are identical in content by which the Tahsildar, Manapparai rejected the request for a legal heir certificate.

2. In W.P.(MD).No.17783 of 2021, the petitioner had applied for a legal heir certificate in respect of the late Otta Nallan. In W.P.(MD).No.17784 of 2021, the petitioner had applied for a legal heir certificate of the late Arumugam.

3. The petitioner states that he is the grand-son of the deceased Otta Nallan and the nephew of the deceased Arumugam. The petitioner relies upon the reports submitted by the Revenue Inspector and Village Administrative Officer, wherein the list of legal heirs has been ascertained and set out. In view of the aforesaid, the petitioner states that the respective impugned orders are unsustainable.

4. In support of such contention, the petitioner relies upon the earlier orders of this Court whereby this Court had concluded that a Tahsildar cannot reject the request for a legal heir certificate solely on the ground that the applicant is not a direct heir.

5. Mr.B.Saravanan, learned Counsel for the State, accepts notice on behalf of both the respondents in both these Writ Petitions. He submits that the Tahsildar may be directed to reconsider the matter by taking into account the earlier orders of



this Court in such regard.

6. Upon perusal of the separate impugned orders, it is evident that the Tahsildar has recorded that the applicant is not a direct heir and that he is unable to identify the correct or genuine legal heirs. However, such impugned orders do not indicate as to why the Tahsildar was unable to identify the correct or genuine legal heirs. Therefore, the impugned orders do not meet the requirements of a reasoned order. In this connection, the petitioner had drawn reference to the reports of the Revenue Inspector, and such reports appear to indicate the list of legal heirs. Especially when viewed in such context, the two impugned orders are clearly unsustainable. Consequently, such impugned orders are quashed.

7. As a corollary, both these matters are remitted to the Tahsildar for reconsideration. The Tahsildar shall reconsider the matter by taking into account the earlier orders of this Court and material information and documents such as the reports of the relevant Revenue Inspectors and Village Administrative Officers. A reasonable opportunity shall be provided to the petitioner and other legal heirs of the respective deceased before a decision is taken. The inquiry shall be concluded by issuing a reasoned order within a period of three (3) months from the date of receipt of a copy of this order.

8. Accordingly, W.P.(MD).Nos.17783 and 17784 are disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

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,
Trichirappalli,
Collectorate Building,
Cantonment, Trichirappalli.

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



2.The Tahsildar,
Manapparai,
Tahsildar's Office,
Manapparai Town,
Trichirappalli District - 621 306.

+1 CC to M/s.K.S.KATHIRAVAN, Advocate (SR-31080[F] dated 04/10/2021)

+1 CC to M/s.SPL.GP (SR-31160[F] dated 05/10/2021)

**W.P(MD)Nos.17783 and 17784 of 2021
04.10.2021**

RD(20.10.2021) 4P 5C