



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED : 08.11.2021
CORAM**

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.19514 of 2021

and

W.M.P. (MD) .Nos.16213 and 16214 of 2021

1.R.Thirumalai
2.Amirtha Veeraraghavan
3.Manivannan R.Rajan
4.R.Madhavan
5.Aravind R.Rajan
... Petitioners

Vs.

1.The District Collector,
Trichy District,
Trichy.
2.The Tahsildar,
Srirangam Taluk,
Trichy District.

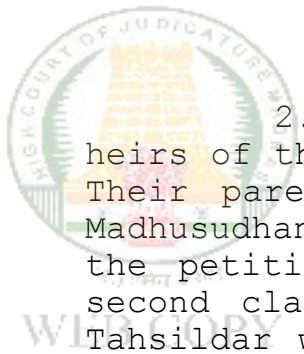
... Respondents

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 the impugned rejection order letter Ref.O.Mu.A5/2696/2021 dated 16.07.2021 passed by the second respondent and quash the same and consequently direct the respondents to issue legal heirs certificate of the deceased Madhusudhanan R.Rajan son of S.T.Rengarajan died on 30.04.2021.

For Petitioners : Mr.N.Sudhagar Nagaraj
For Respondents : Mr.S.Shanmugavel
Government Pleader

ORDER

This petition has been filed in the nature of Certiorarified Mandamus seeking revisitation of the order of the second respondent dated 16.07.2021 passed in Ref.O.Mu.A5/2696/2021.



2. The petitioners claim to be the second class legal heirs of their brother Madhusudhanan R.Rajan who died on 30.04.2021. Their parents are also dead. It is claimed that their brother Madhusudhanan R.Rajan died a bachelor. It is therefore stated that the petitioners are the sole legal heirs but they are termed as second class legal heirs. An enquiry had been conducted by the Tahsildar who came to a correct conclusion that there are no first class legal heirs of Madhusudhanan R.Rajan. The Tahsildar should have then proceeded further to find out the *bona fide* of the petitioners namely whether they are as a matter of fact, the brothers of Madhusudhanan R.Rajan. That enquiry was not conducted by the Tahsildar.

3. It is that particular fact which has been stressed by the learned Single Judge in W.P.No.5940 of 2017 dated 27.07.2020 in J.Babu Vs The Tahsildar, Tharangampadi Taluk, Nagapattinam District wherein the ratio laid was that the Tahsildar can be requested to conduct such enquiry to determine whether the petitioners are the second class legal heirs or not.

4. In this case, the petitioners claim to be the second class legal heirs. Therefore, the order passed by the Tahsildar dated 16.07.2021 is set aside with a further direction to the Tahsildar to enquire further with respect to the *bona fide* and status of the petitioners as to whether they are the second class legal heirs and in this connection, the documents presented by the petitioners, if it is not contested by anybody can be examined by the Tahsildar. If it is contested then, the only way out for the petitioner is to approach the civil court for necessary remedy. The entire exercise shall be completed by the Tahsildar within a period of sixteen (16) weeks from the date on which a copy of this order is received.

5. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, W.M.P.(MD).Nos.16213 and 16214 of 2021 stand closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Nsr/Lm

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



To

1.The District Collector,
Trichy District,
Trichy.

2.The Tahsildar,
Srirangam Taluk,
Trichy District.

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-33718[F] dated
08/11/2021)

+1 CC to M/s.SPL.GP (SR-33795[F] dated 09/11/2021)

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08.11.2021

MGJ(30.11.2021) 3P 5C