



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.19659 of 2020

and

W.M.P. (MD)No.16387 of 2020

WEB COPY

Indhirani

... Petitioner

Vs.

The Thasildhar,
Peravurani Taluk Office,
Thanjavur District.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the respondent vide his proceeding in Mu.Mu.1581/2020/Aa3 dated 13.06.2020 on the file of the respondent and quash the same as illegal and consequently direct the respondent to issue the legal heir certificate in favour of the petitioner within time stipulated by this Court.

For Petitioner	:	Mr.C.Nagamuthu
For Respondent	:	Mr.S.Angappan, Government Advocate.

O R D E R

Heard the learned counsel on either side. With the consent of the learned counsel on either side, the writ petition is taken up for final disposal at the admission stage.

2.The petitioner applied for legal heir certificate in respect of her aunt/Chinnapillai. The said Chinnapillai had passed away on 17.12.2015. The petitioner's request has been rejected by the respondent on the sole ground that the petitioner is not a Class I legal heir but Class II legal heir. It has been held time and again by this Court that even for Clause II legal heirs, legal heir certificate can be issued by the jurisdictional Thasildhar after due enquiry.

3.In this view of the matter, the order impugned in this writ petition is quashed. It is for the petitioner to produce proper materials to show that she is the Class II legal heir of the deceased/Chinnapillai. If the respondent is satisfied with the materials submitted by the petitioner, the respondent can issue legal heir certificate. In other words, the petitioner's request will not be denied on the sole ground that she is not a Class I legal heir.



4. With this clarification, this writ petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ias

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 :-

The Thasildhar,
Peravurani Taluk Office,
Thanjavur District.

+1 CC to M/s.GP (SR-72[F] dated 05/01/2021)

W.P. (MD) No.19659 of 2020
04.01.2021

(PU) CO

AP(19/01/2021) 2P 3C