



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 10.12.2021**

**CORAM**

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**

**W.P. (MD) .No.20045 of 2021**

**and**

**W.M.P. (MD) .No.16750 of 2021**

**WEB COPY**

N.Saratha Kumari

... Petitioner

**Vs.**

The Tahsildar,  
Duvipuram Taluk,  
Thoothukudi - 2,  
Thoothukudi District.

... Respondent

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the respondent to issue Legal Heir Certificate of petitioner's husband Late Mr.N.Shankaran Thampi in favour of the petitioner and petitioner's son S.Karthikeyan based on the application of the petitioner dated 11.02.2021.

For Petitioner : Mr.C.R.Nimal

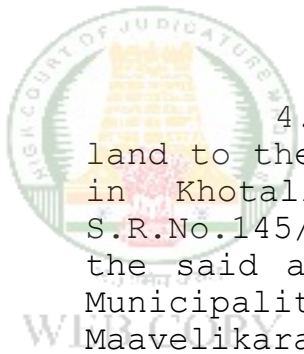
For Respondent : Mr.D.Ghandiraj  
Special Government Pleader

**ORDER**

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the respondent/the Tahsildar, Duvipuram Taluk in Thoothukudi District to issue a legal heirship certificate with respect to the husband of the petitioner, N.Shankaran Thampi by naming the petitioner, N.Saratha Kumari and her son, S.Karthikeyan as the legal heirs. The petitioner had given an application on 11.02.2021.

2. Mr.D.Ghandiraj, learned Special Government Pleader, takes notice for the respondent.

3. The husband of the petitioner, was Hawildhar in the Indian Army. He was a native of Maavelikara, Alapuzha District, Kerala State. He retired from military service on 18.09.1965. They have been staying in the native Village of Maavelikara in Kerala along with their son. The son is still a bachelor. Thereafter, since their son had a contract work in Thoothukudi, the petitioner and her husband shifted to Thoothukudi and they are finally living at Door No.10/120, Ashok Nagar, Thoothukudi District. They have been staying there for a continuous period of 18 years.



4. Thereafter, the Government had allotted 2.5 acres of land to the husband of the petitioner under the Ex-Serviceman Scheme in Khotali Village, Kayathar Taluk, Thoothukudi District in S.R.No.145/1B1 and her husband carried on cultivation activities in the said area. The petitioner's husband died and the Maavelikara Municipality also issued death certificate since he died at Maavelikara. Thereafter, the petitioner had applied for legal heirship certificate.

5. The Tahsildar, Maavelikara Taluk had declined to issue a legal heirship certificate and directed the petitioner to approach the respondent because the petitioner has been residing along with her husband continuously for nearly 18 years in Thoothukudi District. Temporarily, her husband went over to his native place and there, he had unfortunately died. Even the State Government here had recognized his services and had allotted the land to him in Thoothukudi District.

6. Therefore, naturally the respondent herein is also under an obligation to examine the petitioner and issue a legal heirship certificate. The land allotted to the husband of the petitioner is situated at Thoothukudi District. The address of the petitioner is also in Thoothukudi District for nearly 18 years. The son of the petitioner is also working as a contract labourer in Thoothukudi District.

7. In view of all these facts, a direction is given to the respondent/the Tahsildar, Duvipuram Taluk, Thoothukudi District to consider the application of the petitioner dated 11.02.2021, enquire into the family members and thereafter, issue a legal heirship certificate. According to the petitioner, the only family members are herself/N.Saratha Kumari and her son/S.Karthikeyan, who is only a bachelor. The respondent is under an obligation to issue a legal heirship certificate within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. With the above observations, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

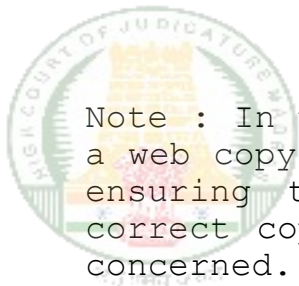
Assistant Registrar (CS-I)

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/ /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 concerned.

WEB COPY

To  
The Tahsildar,  
Duvipuram Taluk,  
Thoothukudi - 2,  
Thoothukudi District.

+1 CC to M/s.SPL GP ( SR-38376[F] dated 13/12/2021 )

**W.P. (MD) .No.20045 of 2021**  
**10.12.2021**

**SR (CO)**  
GC(29.12.2021) 3P 3C