



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2021

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.20476 of 2021

and

W.M.P(MD).No.17119 of 2021

N.Balakrishnan

... Petitioner

Vs.

1.The Registrar (Birth & Death)
Madurai Corporation Ward-32,
Madurai.

2.The Tashildar,
Madurai North Taluk,
Madurai Distritct.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for records of the impugned order issued against the petitioner in Application No.TN-7202108053376, REV-114 Legal heir certificate passed by the second respondent and quash the same as illegal and consequently direct him to issue the legal heir certificate of Petitioner's wife Lakshmi.

For Petitioner
For R1

: Mr.A.Balaji
: M/s.S.Devasena
Standing Counsel

For R2

: Mr.D.Ghandiraj
Special Government Pleader

ORDER

The writ petition has been filed in the nature of Certiorarified Mandamus, questioning the order of rejecting the legal heirship certificate, which order was passed by the second respondent and seeking to interfere with the same.

2.The wife of the petitioner, called Lakshmi, died on 05.05.2021 as she suffered a heart attack while attending a function at a relative's house at Door No.4/781, Annai Street, Anna Nagar, Madurai East, Madurai. The actual address of the petitioner, where he lived along with his wife ordinarily and continuously was at Door No.L2-20, Sector-4, TNHB Colony, Pothigai Nagar, Thathaneri, Madurai-18. The death certificate however, reflected the address at



Anna Nagar, since the lady died at Anna Nagar.

3.The petitioner applied for legal heirship certificate with the second respondent/Thasildar, Madurai North Taluk, Madurai District. The second respondent passed the impugned order stating that since the wife of the petitioner died at Anna Nagar, he was not the appropriate jurisdictional Thasildar. I have every reason to interfere with the said order of the second respondent and the same is set aside. The actual and normal address of the petitioner is Door No.L2-20, Sector-4, TNHB Colony, Pothigai Nagar, Thathaneri, Madurai-18. That is the permanent address of the petitioner.

4.It is claimed by the learned Counsel for the petitioner that, it was the only place where petitioner and his wife resided for a continuous period of more than six months, which is a necessary requirement.

5.Therefore, the second respondent is directed to once again re-examine the said issue, obtain documents towards clarification from the petitioner in the nature of either Ration card or Aadhar card or any other document showing the address of the deceased at Thathaneri and thereafter, proceed to issue legal heirship certificate to the legal heirs of the wife of the petitioner, in the names of the petitioner, N.Balakrishnan and daughter Meenakshi. The said exercise shall be completed by the second respondent within a period of 12 weeks from the date of receipt of a copy of this order.

6.With the above observations, the Writ petition is allowed. No costs. Consequently, the connected Miscellaneous petition is closed

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Tahsildar,
Madurai North Taluk,

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



+1 CC to M/s.SPL GP (SR-38836[F] dated 15/12/2021)

+1 CC to M/s.A.BALAJI, Advocate (SR-38995[F] dated 16/12/2021)

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14.12.2021

MMS (CO)

KB (22.12.2021) 3P 4C