



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD) No.20882 of 2021

and

W.M.P(MD)No.17503 of 2021

WEB COPY

J.David

... Petitioner

vs.

1.The Tashildar,
Watrap Taluk,
Virudhunagar District.

2.Rasammal

3.Rakel

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order issued against the petitioner in Application No.TN-7202109151149, REV-114-Legal Heir Certificate passed by the first respondent and quash the same as illegal and consequently direct him to issue the legal heir certificate of the petitioner's father Mr.Jebadass.

For Petitioner : Mr.A.Balaji

For R1 : Mr.S.Shanmugavel
Additional Government Pleader

O R D E R

Mr.S.Shanmugavel, learned Additional Government Pleader, takes notice on behalf of the first respondent. In view of the nature of the order, notice to the respondents 2 and 3 is dispensed with.

2.The writ petition has been filed in the nature of a Writ of Certiorarified Mandamus seeking interference with an order passed by the first respondent/Tahsildar, Watrap Taluk, Virudhunagar District, whereby, the application of the petitioner herein seeking legal heirship certificate had been rejected.

3.The petitioner's father, Mr.Jebadass had died on 17.05.2010, nearly more than ten years back. With respect to the father, an application seeking the legal heirship certificate was given by the petitioner on 15.09.2021. The relationships in the family of the petitioner appears to be a little complicated. The father had originally married the mother of the petitioner and thereafter,



also had relationships which are claimed to be legal with the respondents 2 and 3 herein. Apart from the petitioner herein, there were also children to the respondents 2 and

4.The mother of the petitioner is still alive. Her marriage with the father had not yet been dissolved in the manner known to law. In the face of all these complications, the first respondent, left with no other alternative, in my opinion, had prudently, refused to give a legal heirship certificate but rather directed the parties to go before the civil court and get necessary declaration. It would only be a proper forum for the petitioner herein to establish all these facts that no coercion was exercised or the respondents 2 and 3 who had given No Objection Certificate and that the mother of the petitioner would also not raise any objections for the children of the respondents 2 and 3 being recognized as legal heirs of the deceased father. These are all issues, which can be addressed before the civil court and the civil court alone can answer these issues.

5.Giving that particular liberty to the petitioner to approach the concerned jurisdictional civil Court, the writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

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 Tashildar,
Watrap Taluk,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-35883[F] dated 25/11/2021)

W.P.(MD) No.20882 of 2021

24.11.2021

BK(06/12/2021) 2P 3C
<https://hcservices.ecourts.gov.in/hcservices/>