



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.21051 of 2021

A.Mary Pushpam @ Vasantha

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
At Nagercoil.

2.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the respondents to issue legal heir certificate for the petitioner considering the death of her husband T.Thangaswamy who died on 23.07.2020 by considering the request of the petitioner dated 19.08.2021 within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.D.Ghandiraj

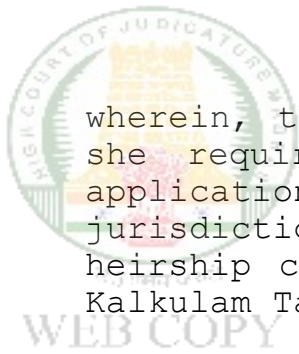
Special Government Pleader

ORDER

Heard Mr.S.C.Herold Singh, learned counsel for the petitioner and Mr.D.Ghandiraj, learned Special Government Pleader who takes notice for the respondents.

2. This is a Writ Petition which should not have been filed at all. But, at any rate, the petitioner only seeks a legal heirship certificate of her deceased husband. The name of her husband is T.Thangaswamy and the name of the petitioner is A.Mary Pushpam. She also has another name called Vasantha, but still, both Vasantha and Mary Pushpam indicate the very same person namely, the petitioner herein who is the wife of late T.Thangaswamy.

3. The petitioner had produced documents namely, family card and the death certificate of her husband,
<https://hccs.courts.gov.in/cases/>



wherein, the name of the petitioner is found and thereafter, since she required a legal heirship certificate, she made necessary applications. There is a small issue with respect to the jurisdictional Tahsildar who is competent to issue the legal heirship certificate. The petitioner has impleaded the Tahsildar, Kalkulam Taluk, Kanyakumari District as the second respondent.

4. However, it is stated that the husband of the petitioner was originally a native of Marthandam and therefore, the application was forwarded to the Village Administrative Officer, Nalloor. A report was also filed. The petitioner again represented the application along with all the documents and there was no response. It is under these circumstances, the petitioner had filed the present Writ Petition.

5. The petitioner may forward a fresh application in accordance with the rules and let that particular application be forwarded to the District Collector, Kanyakumari District. Let the petitioner comply with the rules and forward the application on or before 10.12.2021 to the District Collector.

6. The District Collector, may also enquire the petitioner and thereafter determine the actual correct jurisdictional Tahsildar and forward the application of the petitioner to that concerned Tahsildar who may make necessary enquiries which are normally made prior to the issuance of the legal heirship certificate and on personal subjective satisfaction proceed further to issue legal heirship certificate to the petitioner herein. That particular Tahsildar on receipt of the papers from the Office of the District Collector, Kanyakumari District should complete the entire exercise within a further period of six (6) weeks.

7. With the said observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// 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 concerned.



To

1.The District Collector,
Kanyakumari District,
At Nagercoil.

2.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-36058[F] dated 26/11/2021)

+1 CC to M/s.S.C. HEROLD SINGH, Advocate (SR-35983[F] dated
26/11/2021)

**W.P (MD) No.21051 of 2021
25.11.2021**

RD(06.12.2021) 3P 5C