



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.21811 of 2021

Marimuthu

... Petitioner

vs.

1.The District Collector,
Collectorate Compound,
Karur.

2.The Tahsildar,
Taluk Office,
Kulithalai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent herein to consider the representation of the petitioner dated 26.07.2021 and thereby delete the name of the deceased mother namely, Kanniyammal and issue a fresh legal heir certificate to the petitioner within a stipulated time.

For Petitioner : M/s.J.Madhu

For Respondents : Mr.D.Ghandiraj
Special Government Pleader

O R D E R

Mr.D.Ghandiraj, learned Special Government Pleader, takes notice on behalf of both the respondents.

2.The petitioner had married one Vellaiammal in 1993. They had one son, Logeswaran and one daughter, Hemalatha. In 2019, actually on 04.07.2019, Vellaiammal died. Her death was registered on 09.07.2019. The petitioner in his capacity as a husband applied for legal heirship certificate. The second respondent/Tahsildar, Taluk Office, Kulithalai, had issued a legal heirship certificate on 17.08.2019. In the legal heirship certificate, quite apart from the names of the petitioner/husband, Logeswaran/son and Hemalatha/daughter, the second respondent also appears to have included Kanniammal, the mother of Vellaiammal. When a Hindu female dies intestate, the legal heirs are her husband and her children, they are the clause 1 heirs. If they are not available, then the clause 2 heirs can be included as legal representatives. The legal heirship certificate issued by the second respondent will necessarily have to be interfered with. The petitioner had given a representation on 26.07.2021.



3.A direction is given to the second respondent to issue notice to the petitioner, examine the petitioner obtained details of the family and thereafter issue a fresh legal heirship certificate in accordance with the rules. The legal heirship certificate already issued, may be re-issued, but however by deleting the name of Kanniammal, who is shown as the mother of Vellaiammal. Either one of the two options are available to the second respondent and he may exercise either one option within a period of twelve weeks from the date of receipt of a copy of this order.

4.With the above observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (W)

// 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

1.The District Collector,
Collectorate Compound,
Karur.

2.The Tahsildar,
Taluk Office,
Kulithalai.

+1 CC to M/s.J.MADHU, Advocate (SR-38678[F] dated 14/12/2021)

+1 CC to M/s.SPL GP (SR-38355[F] dated 13/12/2021)

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MGJ(28.12.2021) 2P 5C