



WEB COPY



W.P.No.26430 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

W.P.No.26430 of 2015

A.Ayubkhan

... Petitioner

Vs.

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Tahsildar,
South Coimbatore,
Coimbatore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order Mu.Mu.No. 8672/2014/A5 dated 19.12.2014 passed by the 2nd respondent and quash the same and consequently direct the respondents to issue legal heir certificate with respect to petitioner.

For Petitioner : Mr.A.Raja Mohamed

For R1 and R2 : Mrs.M.Geetha Thamaraiselvan
Special Government Pleader



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ORDER

This writ petition is filed for issuance of a writ of certiorarified mandamus to quash the impugned order, dated 19.12.2014, issued by the 2nd respondent and to direct the 2nd respondent to issue Legal Heir Certificate and to pass further orders.

2.The petitioner is the son of one Asanar. The case of the petitioner is that his brother, by name A.Arif, died in the Coimbatore bomb blast on 30.11.1997. It appears that the Government has issued some orders to provide employment to legal heirs of the persons who were killed as a result of violence in Coimbatore between 29.11.1997 and 03.12.1997 and in the bomb blast on 14.02.1998 and thereafter, at Coimbatore. After getting employment on temporary basis as the legal heir of his deceased brother A.Arif, the petitioner made a representation to the Dean, Coimbatore Medical College, on 09.07.2013, for regularisation and for other cash benefits. However, the representation was not considered and the petitioner was asked to produce the Legal Heir Certificate or an order of competent Court as regards his status. Therefore, the petitioner submitted a representation to the 2nd respondent to issue a Legal Heir Certificate to the



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petitioner, to show that he is the legal heir of his deceased brother A.Arif.

The said application submitted by the petitioner before the 2nd respondent was rejected by the 2nd respondent on the ground that the petitioner is not the first degree legal heir of the deceased A.Arif and therefore, the Tahsildar cannot issue the Legal Heir Certificate to the petitioner. The petitioner was directed to approach the Civil Court. Challenging the same, the above writ petition is filed.

3.It is seen that the object behind the application filed by the petitioner before the Tahsildar is to get a certificate to prove his eligibility to seek regular appointment as a legal heir of his deceased brother. The 2nd respondent is not a competent authority to certify whether the petitioner is eligible to get employment as a legal heir of his deceased brother. The 2nd respondent, as a Tahsildar, is only entitled to hold an enquiry and issue Legal Heir Certificate indicating the legal heirs of the deceased. In the present case, the Tahsildar has rightly refused to issue Legal Heir Certificate. The petitioner has not even produced before this Court any Government Order to show whether the petitioner can also be considered as a legal heir to seek employment on the death of his own brother. Be that as it may, the question regarding petitioner's eligibility to get employment as a brother of his



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deceased brother has to be considered by this Court in appropriate proceedings. The petitioner in this case cannot expect the Tahsildar to issue certificate to establish his status as a brother of deceased. The petitioner has not produced any G.O. delegating the authority to declare one's status or relationship to Tahsildar. Therefore, the writ petition is wholly misconceived and cannot be entertained. There is no reason to interfere with the order of the 2nd respondent on merits. However, it is open to the petitioner to approach the competent Court or produce any valid document or material to convince the appointing authority about his eligibility, who may pass orders in accordance with law.

4. Therefore, the writ petition is dismissed. No costs.

15.11.2022

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Internet : Yes

Index : Yes / No

Speaking order / Nonspeaking order

To

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S.S. SUNDAR, J.

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