



W.P.No.29940 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.29940 of 2022
and W.M.P.Nos.29336 of 2022

Mrs.Palaniyathal Petitioner

-Vs-

The Tahsildar
Tharapuram Taluk
Tirupur District. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records relating to the impugned order passed by the respondent in his proceedings in O.Mu,380/022/AA2 dated 06.06.2022 and quash the same as illegal.

For Petitioner : Mr.I.Calvin Jones

For Respondents : Mr.N.Naveen Kumar
Government Advocate

ORDER

The prayer sought for herein is for a Writ of Certiorari calling for the records relating to the impugned order passed by the respondent in his proceedings in O.Mu,380/022/AA2 dated 06.06.2022 and quash the same as illegal.



W.P.No.29940 of 2022

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2. One Ramasamy Gounder died on 20.03.1984 at Aayakavundanpalayam, Dharapuram Taluk, Tiruppur District. According to the petitioner, leaving behind some legal heirs including the petitioner, who is none other than the wife of the grandson one Subramanian of the said Ramasamy Gounder.

3. That apart, according to the petitioner, there are two more grandchildren viz., one P.Ramasamy, grandson and one Athirstamani, granddaughter. In order to get legal heir certificate, on behalf of the three, the petitioner made an application before the Tahsildar, which was considered and rejected through the impugned order dated 06.06.2022.

4. Assailing the said order, the learned counsel for the petitioner would submit that the petitioner is one of the legal heirs of the deceased Ramasamy Gounder as she is the wife of the grandson of the said Ramasamy Gounder apart from two more legal heirs and hence legal heir certificate should have been issued by the respondent by including the name of the petitioner and the two other legal heirs. Instead, the respondent has simply rejected the application directing them to approach the Court of law. Therefore, that said order would not stand in the legal scrutiny and hence the learned counsel seeks the indulgence of this Court.



W.P.No.29940 of 2022

WEB COPY

5. Heard Mr.N.Naveen Kumar, learned Government Pleader who would submit that, since the petitioner has not given the correct particulars in the application submitted in this regard where several dead persons have been mentioned. Therefore, in the local address given by the petitioner ie., Gangaiyampalayam Village, Tharapuram Taluk, Tiruppur District since the petitioner was not residing at the time of local enquiry, the application could not be processed. Therefore, for want of particulars that was rejected of course by giving a direction to the petitioner to approach the Court of law to get an order.

6. I have heard the learned counsel for both sides and have perused the materials placed on record.

7. Prior to 29.09.2022, based on the system then prevailing, these kind of applications for getting legal heir certificate were processed and disposed of by the Revenue Tahsildar concerned. However, on 29.09.2022, the Government passed a Government Order in G.O.Ms.No.478, Revenue and Disaster Management Department under which mandatory guidelines have been issued as to how the applications submitted for getting legal heir certificate are to be dealt with. Based on the said Government Order, application has to be made only through online and if online application is made with relevant particulars,



W.P.No.29940 of 2022

the same would be processed by the Revenue Tahsildar and after giving an opportunity to the applicant and the other legal heirs, after having due enquiry, those applications would be disposed of strictly in consonance with the guidelines issued in the said Government Order.

8. When that being the stand taken by the respondents by relying upon the G.O.Ms.No.478, Revenue and Disaster Management Department dated 29.09.2022, based on which number of orders have been passed by this Court, this Court feels that the impugned order would not stand in the legal scrutiny and hence it has to be interfered with.

9. In the result, this Court is inclined to dispose of this writ petition with the following order.

- That the impugned order dated 06.06.2022 is set aside. As a sequel, the petitioner is directed to make an online application as per G.O.Ms.No.478, Revenue and Disaster Management Department dated 29.09.2022 within two weeks from the date of receipt of a copy of this order.



W.P.No.29940 of 2022

WEB COPY

- On receipt of such application, the same shall be considered on merits and orders to be passed by the respondent after giving an opportunity of hearing to the petitioner as well as the other legal heirs and pass appropriate orders within a period of four weeks thereafter.

10. With the above directions, this writ petition is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

11.11.2022

Index : Yes/No
Internet : Yes/No
KST

To

The Tahsildar
Tharapuram Taluk
Tirupur District.



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W.P.No.29940 of 2022

R. SURESH KUMAR, J.

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W.P.No.29940 of 2022

11.11.2022