



W.P.No.30213 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.30213 of 2022

Sadham Usen

.... Petitioner

-Vs-

1.The Tahsildar
Uthangarai Taluk, Krishnagiri District.

2.The Zonal Deputy Tahsildar
Uthangarai, Krishnagiri District.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to issue legal heir certificate for petitioner deceased mother Mrs.Kursheed on the basis of the petitioner representation dated 18.07.2022 within a time frame as may be fixed by this Hon'ble Court.

For Petitioner : Mr.T.Arockia Dass
For Respondents : Mr.N.Naveen Kumar
Government Advocate

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the respondents to issue legal heir certificate for petitioner deceased mother Mrs.Kursheed on the basis of the petitioner representation dated 18.07.2022 within a time frame as may be fixed by this Court.



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2. The petitioner's mother one Kursheed expired on 01.06.2021 and according to the petitioner there are only two legal heirs of the deceased mother of the petitioner ie., the petitioner / son of the deceased and one Sharunnisa, daughter of the deceased. In order to get a legal heir certificate in the name of the deceased, the petitioner made an on-line application some time in August 2021 and the same having been considered, was rejected on 21.10.2022 by the first respondent Tahsildar. Hence the petitioner has approached the present writ petition.

3. Heard Mr.T.Arockia Das, learned counsel for the petitioner and Mr.N.Naveen Kumar, learned Government Advocate for the respondents.

4. Learned Government Advocate pointed out that, first of all the order passed by the respondent Tahsildar on 21.10.2022 has not been challenged in the present writ petition and therefore, he cannot seek for a mandamus. He would also submit that, the Government has issued G.O.Ms.No.478, Revenue and Disaster Management Department dated 29.09.2022 under which mandatory guidelines have been issued as to how the applications for legal heir certificate have to be dealt with. Therefore, based on the said Government Order if at all the petitioner wants to consider his application, he has to make an application



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through online mode with proper supporting documents and in that case the same would be re-considered by the first respondent and necessary orders would be passed after conducting proper enquiry in this regard.

5. In view of the said stand taken by the learned Government Advocate, this Court is inclined to dispose of this writ petition with the following order.

- That there shall be a direction to the petitioner to make an online application seeking legal heir certificate as contemplated under G.O.Ms.No.478 dated 29.09.2022 referred to above within a period of one week from the date of receipt of a copy of this order.
- On receipt of such application, the same shall be processed and final orders shall be passed by the first respondent within a period of four weeks thereafter.

With the above directions, this writ petition is disposed of. No costs.

15.11.2022

Index : Yes/No
Internet : Yes/No
KST
To

- 1.The Tahsildar, Uthangarai Taluk, Krishnagiri District.
- 2.The Zonal Deputy Tahsildar
Uthangarai, Krishnagiri District.



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R. SURESH KUMAR, J.

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W.P.No. 30213 of 2022

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