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W.P.No.31661 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.31661 of 2022

S.Munjibur Rahman,
S/o.Sardar

.... Petitioner

-Vs-

1.The District Collector
Cuddalore District,
Cuddalore.

2.The Tahsildar
Panruti Taluk,
Cuddalore District.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent in O.Mu.(A2)/3561/2022 dated 17.10.2022 and the consequential direction the second respondent herein to issue a Class – II legal heirship certificate to the petitioner in respect of his aunt namely deceased Miss.Shakinabi within a stipulated time fixed by this Court.



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For Petitioner : Ms.K.Jenitha
For Respondents : Mr.N.Naveen Kumar
Government Advocate

ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus to quash the impugned order of the second respondent in O.Mu.(A2)/3561/2022 dated 17.10.2022 and the consequential direction to the second respondent herein to issue a Class – II legal heirship certificate to the petitioner in respect of his aunt namely deceased Miss.Shakinabi within a stipulated time fixed by this Court.

2. The petitioner seeks for legal heirship certificate of one Ms.Shakinabi D/o Mohammed Khan, who died on 26.02.2021 as second class legal heir, the same was rejected by the second respondent Thasildar by order dated 19.10.2022, which is under challenge in this writ petition.

3. Heard Ms.K.Jenitha, learned counsel appearing for the petitioner and Mr.N.Naveen Kumar, learned Government Advocate appearing for the respondents.



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4. Mr.N.Naveen Kumar, learned Government Advocate appearing for the respondents would submit that before issuance of G.O.Ms.No.478, Revenue & Disaster Management, Revenue Administration Wing, RA-3 (2) Section dated 29.09.2022, the position was that insofar as the second class legal heirship certificate is concerned, there is no provision under the Registration of Birth and Death Act, 1969, therefore, the applicants are advised to approach the Civil Court to get such declaration. However, after issuance of G.O.Ms.No.478, mandatory guidelines were issued, based on which, the application submitted by the petitioner can be reconsidered. Therefore, the matter can be remitted back to the second respondent for reconsideration.

5. Having regard to the said submission made by the parties, especially the stand of the learned Government Advocate, this Court is inclined to dispose of this writ petition with the following orders:

That the impugned order is set aside and the matter is remitted back to the second respondent, who shall consider the application submitted by the petitioner, in this regard, wherein the second



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respondent if needs the petitioner to submit a fresh application through on-line that can also be done by the petitioner, thereafter such application would be considered and decided on merits and in accordance with law especially as per the mandatory guidelines issued by the Government through G.O.Ms.No.478, Revenue & Disaster Management, Revenue Administration Wing, RA-3 (2) Section dated 29.09.2022 within a period of six(6) weeks from the date of receipt of a copy of this order.

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

28.11.2022

Index : Yes/No
Internet : Yes/No
mp

To
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2.The Tahsildar
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R. SURESH KUMAR, J.

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