



W.P(MD)No.11152 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2022

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD).No.11152 of 2013

N.P.N.Elango,

: Petitioner

Vs

1. The District Collector,
Kanyakumari District,
Nagercoil

2. The Tahsildar,
Agastheeswaram Taluk,
Kanyakumari District.

: Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Orders in O.Mu.C3/4530/2013 dated 09/03/2013 on the file of the second respondent herein, quash the same and to direct the second respondent to issue legal heir certificate for the deceased N.Somasundaram (passed away on 09/12/2012) based on the earlier Legal



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Heir Certificate issued for deceased N.Somasundarams father, namely Nesamani (passed away on 19/12/1999) and in pursuant to the petitioner's application dated Nil.

For Petitioner : Mr.A.Dennisan

For Respondents : Mr.B.Saravanan

Additional Government Pleader

ORDER

The present writ petition has been filed challenging the order passed by the second respondent, under which, the request of the petitioner for grant of legal heir certificate for deceased Somasundaram was rejected on the ground that there are no direct legal heirs. In other words, since there were no Class-I legal heirs, the application was rejected by the second respondent under the impugned order.

2.In view of the Full Bench Judgment of our High Court in ***W.P.No. 25247 of 2021, dated 17.06.2022 (P.Venkatachalam Vs. The Tahsildar, Kumarapalayam Taluk)***, the second respondent is also entitled to issue legal



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heir certificate even in cases where there are only Class-II heirs.

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3.Hence, the petitioner is directed to present a fresh application for issuance of legal heir certificate to the second respondent herein. On filing of such fresh application, it shall be considered by the second respondent on merits and in accordance with law and based upon the Full Bench judgment of this Court.

4.With the above observations, this Writ petition is allowed. No costs.

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Index : Yes / No

Internet : Yes/ No

lr

To

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R.VIJAYAKUMAR, J.

lr

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