



W.P(MD)No.14092 of 2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.09.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.14092 of 2013

K.Subbaiah

... Petitioner

Vs.

The Tahsildar,
Dindigul Taluk Office,
Dindigul,
Dindigul District.

... Respondent

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 first respondent in his proceedings O.Mu.No.24439/2013/A1, dated 28.06.2013 and quash the same consequently direct the respondent herein to issue the Legal Heir Certificate to the petitioner.

For Petitioner : M/s.G.Gomathi Sankar

For Respondent : M/s.B.Saravanan
Additional Government Pleader



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ORDER

The present Writ Petition has been filed challenging an order passed by the respondent herein, under which, the request of the petitioner for grant of legal heir certificate has been rejected.

2. According to the petitioner, his father, Kamatchi had originally married one Lakkammal and she had passed away in the year 1975. Thereafter, he has married one Akkammal and through her, the petitioner and his brother and one sister are the legal heirs. The petitioner's father Kamatchi had passed away on 24.04.2013. Thereafter, the petitioner has approached the respondent herein for grant of legal heir certificate.

3. Under the impugned order, the respondent has rejected the said request, on the ground that the deceased Kamatchi had two wives. From the averments, it could be seen that the first wife, namely, Lakkammal had died wayback in the year 1975, without any issues. In view of the above said facts, there cannot be any impediment for the respondent



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herein for issuing legal heir certificate to the petitioner along with his brother and sister.

4. In view of the above said facts, the order impugned in the writ petition is set aside. The writ petition stands allowed and the respondent is directed to issue legal heir certificate to the petitioner along with his brother and sister as legal heirs of deceased Kamatchi. There shall be no order as to costs.

23.09.2022

Index : Yes / No
Internet : Yes / No
btr

To

The Tahsildar,
Dindigul Taluk Office,
Dindigul,
Dindigul District.



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R.VIJAYAKUMAR, J.

btr

Order made in
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