



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.3581 of 2022

1.D.Harihara Shanmuga Sundaram
2.S.Subbulakshmi Sivasundar ... Petitioners

Vs.

1.The Additional Chief Secretary,
The Commissioner of Revenue Administration,
Government of Tamil Nadu,
Chennai.

2.The District Collector,
Collectorate Campus,
Madurai District,
Madurai.

3.The Thasildar,
Office of the Thasildar,
Madurai West,
Madurai - 625 003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent in his proceedings dated 18.02.2022 in O.Mu.No.640/22/F and quash the same as illegal and arbitrary and consequently to direct the respondent No.3 to issue the legal heir certificate to the petitioner within the time that may be stipulated by this Court.

For Petitioner : Ms.G.K.Chitra Devi

For Respondents : Mr.M.Lingadurai

Special Government Pleader

O R D E R

This writ petition has been filed challenging the order passed by the third respondent dated 18.02.2022 rejecting the request of the petitioners for issuance of legal heirship certificate for the deceased Karpoor Suntharam on the ground that they are class II legal heirs.



2. Heard Ms.G.K.Chitra Devi, learned Counsel for the writ petitioner and Mr.M.Lingadurai, learned Special Government Pleader who accepts notice on behalf of the respondents.

3. The deceased Karpooora Suntharam died as a bachelor. The petitioners who are his brother and sister respectively, claim that they are the only class II legal heirs for the deceased Karpooora Suntharam. They have applied for legal heirship certificate with the third respondent but under the impugned order dated 18.02.2022 the third respondent has rejected their application on the ground that they are not direct legal heirs.

4. The law is now well settled by various decisions of this Court that the third respondent is not prohibited from issuing legal heirship certificate for class II legal heirs also. Hence, by total non-application of mind to the settled law, the impugned order has been passed rejecting the petitioners' application for legal heirship certificate for their deceased brother Karpooora Suntharam.

5. Accordingly, the impugned order dated 18.02.2022 passed by the third respondent is hereby quashed and the matter is remanded back to the third respondent for fresh consideration on merits and in accordance with law after affording a fair opportunity of hearing to the petitioners as well as any other persons whom the third respondent deems fit to enquire and pass final orders on merits and in accordance with law within a period of eight [8] weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*



To

1.The Additional Chief Secretary,
The Commissioner of Revenue Administration,
Government of Tamil Nadu,
Chennai.

2.The District Collector,
Collectorate Campus,
Madurai District,
Madurai.

3.The Thasildar,
Office of the Thasildar,
Madurai West,
Madurai - 625 003.

+1 CC to M/s.C.K.CHITRA DEVI, Advocate (SR-8865[F]dated 25/02/2022)

+1 CC to M/s.SPL GP (SR-9000[F] dated 28/02/2022)

ORDER MADE IN
W.P. [MD]No.3581 of 2022
25.02.2022

PKP/08.03.2022/3P/6C