



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3762 of 2022

1.S.Srinivasan

2.Selvakumar

... Petitioners

/Vs./

1.The Government of Tamil Nadu

Represented by its
Secretary, Registration Department,
Secretariat, Chennai.

2.The District Collector,
Dindigul District,
Dindigul.

3.The Sub Registrar,
Office of Sub Registrar,
Kodaikanal, (Poomparai Village),
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 3 to declare the properties scheduled in this petition belong to the petitioners.

For Petitioners	: Mr.R.A.Mohanram
For Respondents	: Mr.S.Shanmugavel
	Additional Government Pleader.

ORDER

The petitioners are aggrieved by the refusal to issue legal heirship certificate on the ground that the first petitioner is a Class-II legal heir. However, instead of challenging the order dated 10.08.2021 passed by the Thasildar rejecting the application for issuance of legal heirship certificate, the petitioners have chosen to seek for a declaration that the property belonging to their deceased brother, who died as bachelor is inherited by them and they have to be declared as owners of the property.

2.Such a declaration cannot be granted in a writ petition. The only remedy available to the petitioners is to challenge the order dated 10.08.2021 issued by the Thasildar rejecting the application for issuance of legal heirship certificate on the ground that the first petitioner is a Class-II legal heir. Hence, this writ



petition is disposed of by granting liberty to the petitioners to challenge the order dated 10.08.2021 passed by the Thasildar rejecting the application seeking for issuance of legal heirship certificate in the manner known to them under law. There shall be no order as to costs.

WEB COPY

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sm

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 Secretary,
Registration Department,
Secretariat, Chennai.
- 2.The District Collector,
Dindigul District,
Dindigul.
- 3.The Sub Registrar,
Office of Sub Registrar,
Kodaikanal, (Poomparai Village),
Dindigul District.

+1 CC to M/s.SPL GP (SR-9432[F] dated 02/03/2022)

+1 CC to M/s.R.A.MOHANRAM, Advocate (SR-9259[F] dated 01/03/2022)

order made in
W.P. [MD]No.3762 of 2022

Dated:
01.03.2022

SS/22.03.2022 : 2P/6C