



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.5188 of 2022

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Shanmugam

... Petitioner

Vs.

1.The District Collector,
Karur,
Karur District.

2.The Revenue Divisional Officer,
Kulithalai,
Karur District.

3.The Tahsildar,
Taluk Office,
Kulithalai,
Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to issue legal heirship certificate to the petitioner for his deceased mother Valliyammai, who died on 05.08.2019 left behind the petitioner as her legal heir.

For Petitioner	: Mr.R.Murugappan
For Respondents	: Mr.D.Sasikumar
	Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to issue legal heirship certificate to the petitioner for his deceased mother Valliyammai, who died on 05.08.2019 within a time frame to be fixed by this Court.

2.It is the case of the petitioner that he is the only legal heir of his deceased mother Valliyammai who died on 05.08.2019. According to him his father divorced his mother long time back and therefore as a son, he is the only legal heir. The petitioner applied for legal heirship certificate on 04.03.2022. Till date, legal heirship certificate has not been issued. In such circumstances, the petitioner has filed this writ petition.

3.Heard Mr.R.Murugappan, learned Counsel appearing for the writ petitioner, and Mr.D.Sasikumar, learned Additional Government Pleader



who accepts notice on behalf of the respondents.

4.The petitioner has filed this writ petition immediately after submitting an application seeking for legal heirship certificate for his deceased mother Valliyammai who died on 05.08.2019. Therefore, sufficient time must be granted to the respondents to process the application. It is the contention of the petitioner that his father divorced his late mother Valliyammai long time back and therefore, his father is not a legal heir for the deceased Valliyammai. It is for the respondents to examine the same and thereafter issue legal heirship certificate.

5.No prejudice would be caused to the third respondent if the petitioner's application is considered on merits and in accordance with law after affording a fair hearing to the petitioner and other necessary parties whom the third respondent deems fit to enquire.

6.Accordingly, this Court directs the third respondent to consider the petitioner's application dated 04.03.2022 including granting him the right of personal hearing and also after affording a fair hearing to all other necessary parties whom the third respondent deems fit to enquire within a period of twelve [12] weeks from the date of receipt of a copy of this order.

7.With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

1.The District Collector,
Karur,
Karur District.

2.The Revenue Divisional Officer,
Kulithalai,
Karur District.

3.The Tahsildar,
Taluk Office,
Kulithalai,
Karur District.

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+1 CC to M/s.SPL GP (SR-14538[F] dated 25/03/2022)

+1 CC to M/s.R.MURUGAPPAN, Advocate (SR-14399[F] dated 25/03/2022)

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KG(CO)

KB(04.04.2022) 3P 6C