



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2022

CORAM:

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THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W. P. (MD)No.5605 of 2022

S.Fowsiya Begam

.. Petitioner

Vs

The Tahsildar,
Natham Taluk,
Dindigul District,
Dindigul.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to issue legal heir Certificate in favour of the petitioner, her brother namely Abdul Azeez and her mother namely Paarija Beevi as legal heirs of petitioner's father late Sheik Abdul Razheed within a time limit stipulated by this Court.

For Petitioner	: Mr.S.Anwar Sameem
For Respondent	: Mr.M.Lingadurai Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to issue Legal Heirship Certificate for the deceased Sheik Abdul Rasheed in favour of the petitioner, her brother namely Abdul Azeez and her mother namely Paarija Beevi, within a time frame to be fixed by this Court, based on the petitioner's application.

2.According to the petitioner, Sheik Abdul Rasheed is her father. He died on 08.05.2014, leaving behind the petitioner, his son Abdul Azeez and his wife Paarija Beevi, as his only legal heirs. The petitioner has applied for Legal Heirship Certificate for the deceased Sheik Abdul Rasheed with the respondent. Since there were rival claimants, who were also claiming to be the legal heirs of the deceased, the petitioner's application has not been perused yet. It is also stated in the affidavit filed in support of the writ petition that the suit filed by the rival claimants in O.S.No.33 of 2017, on the file of the District Munsif Court, Natham, has also got dismissed on 03.08.2021 and no appeal has been filed as against the said Judgment. Therefore, according to the petitioner, the petitioner and the persons mentioned supra are the only legal heirs



of the deceased Sheik Abdul Rasheed. Since the application submitted by the petitioner has not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.S.Anwar Sameem, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondent.

4.No prejudice will be caused to the respondent, if the petitioner's application seeking for issuance of Legal Heirship Certificate for the deceased Sheik Abdul Rasheed, who died on 08.05.2014, is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and other legal heirs of the deceased Sheik Abdul Rasheed, within a time frame to be fixed by this Court. Subsequent to the submission of the application, seeking for Legal Heirship Certificate, the petitioner has also given a representation on 16.08.2021, to the respondent.

5.The petitioner has also filed documents along with the writ petition to show that Sheik Abdul Rasheed died on 08.05.2014. The Judgment and Decree passed in O.S.No.33 of 2017, by the learned District Munsif, Natham, has also been filed along with the writ petition, to show that the suit filed by the rival claimants has also got dismissed. All these documents will have to be considered by the respondent while considering the petitioner's application seeking for issuance of Legal Heirship Certificate for the deceased Sheik Abdul Rasheed.

6.The learned Special Government Pleader for the respondent on instructions would submit that the petitioner will have to submit an online application and then only the respondent will be in a position to process the said application. The said statement is recorded.

7.The learned counsel for the petitioner on instructions would submit that the petitioner is willing to submit a fresh online application to the respondent seeking for issuance of Legal Heirship Certificate for Sheik Abdul Rasheed. The said submission is recorded.

8.Accordingly, this Court directs the petitioner to submit a fresh online application to the respondent seeking for issuance of Legal Heirship Certificate for Sheik Abdul Rasheed, who died on 08.05.2014. On receipt of the said application, the respondent shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and other legal heirs of the deceased Sheik Abdul Rasheed and any other necessary party, whom the respondent deems fit to enquire, within a period of twelve weeks from the date of receipt of the online application from the petitioner.



9. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

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/ /2022

Sub Assistant Registrar(CS)

TM

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

The Tahsildar,
Natham Taluk,
Dindigul District,
Dindigul.

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-15384[F]
dated 30/03/2022)

+1 CC to M/s.SPL GP (SR-15698[F] dated 31/03/2022)

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SB(CO)

GC(11.04.2022) 3P 4C