



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.10867 of 2022

T.R.Vasudevan

... Petitioner

Vs.

Madurai Tahsildar,
Madurai South Taluk,
Madurai Collectorate Building,
Madurai.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to quash the order passed by the respondent in Mu.Mu.No.A2/187/2021, dated 08.02.2021 and direct the respondent for issuance of the legal heirs certificate by considering the petitioner's petition dated 18.01.2021 by fixing a time.

For Petitioner : Mr.K.V.Ramkumar
For Respondent : Mr.G.Sivaraja
Government Advocate

O R D E R

Heard the learned counsel on either side.

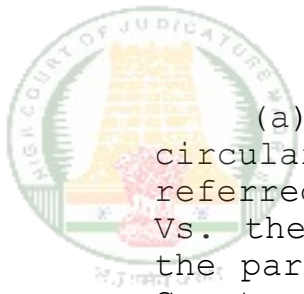
2. One T.R.Santharam passed away on 30.09.2020. His wife Sulochana pre-deceased him on 09.10.2017. Santharam's siblings applied for issuance of legal heir certificate. The said request was rejected by the impugned order dated 08.02.2021. Questioning the same, this writ petition has been filed.

3. The stand of the respondent is that legal heir certificate cannot be issued in favour of the class II legal heirs. In case after case, the Madras High Court had held that the legal heir certificate can be issued for Class II Legal Heirs also. Of-course, the authority has to conduct proper enquiry and satisfy himself that the applicants are actually entitled to issuance of the certificates. In this case, enquiry had already been conducted and there is no dispute that the deceased Santharam had four siblings namely T.R.Viswanathan, T.R.Balakrishnan, K.S.Jeevarathinam and Tmt.T.R.Vasudevan.

4. The petitioner's counsel drew my attention to the order dated 12.01.2022 made in W.P.(MD)Nos.2356 of 2021 etc., batch, in which, this Court had issued the following directions:-

"19.I would therefore issue the following directions:

A direction is given to the Tahsildar to examine the cases of the individual applicant in the following manner:



(a) If the deceased had two wives, then follow the circulars and the Judgment of Division Bench of this Court referred to supra in W.P.(MD)Nos.18477 of 2020 in J.Ravi Vs. the District Collector, Trichy and others, and direct the parties to settle the issue before the competent civil Court.

(ii) If it is an issue of claiming legal heirship certificate for a deceased brother or sister and when there are no rival claimants, make necessary enquiry and proceed to issue legal heirship certificate.

(iii) If there are rival claimants, even among Class-II legal heirs of the status of the applicant is disputed, then direct the parties to resolve those issues before the competent civil Court."

5. In this case, there are no rival claims. Therefore, issuing the certificate sought for by the petitioner does not have any difficulty. The impugned order is quashed. The respondent is directed to issue certificate as sought for by the petitioner. The Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

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To

Madurai Tahsildar,
Madurai South Taluk,
Madurai Collectorate Building,
Madurai.

+1 CC to M/s.K.V. RAMKUMAR, Advocate (SR-25619[F] dated 14/06/2022)

+1 CC to M/s.SPL.GP (SR-26131[F] dated 16/06/2022)

W.P. (MD) No.10867 of 2022
14.06.2022

SS (24/06/2022) 2P 4C