



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10977 of 2022

Mahalingam

... Petitioner

Vs

The Tahsildar,
Tahsildar Office,
Thiruppuvanam Taluk,
Sivagangai District - 630 611.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to issue a legal heir certificate of the petitioner's minor deceased brother, namely, Mari died on 20.05.1980, based on the petitioner's representation, to the respondent on 12.05.2022, within a stipulated time may be fixed by this Court.

For Petitioner : Mr.R.Senthilkumar

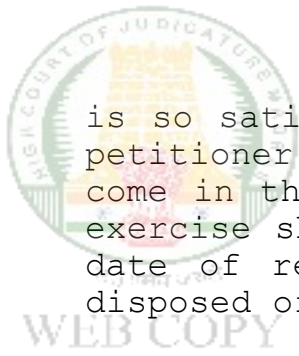
For Respondent : Mr.G.Sivaraja
Government Advocate

ORDER

Heard the learned counsel on either side.

2. The writ petitioner's brother, Mari passed away on 20.05.1980. He died as a Bachelor. He did not leave behind any issue. Their parents had also passed away. In these circumstances, the petitioner approached the respondent for issuance of Legal Heir Certificate. The respondent took the stand that since the petitioner is only a Class II Legal Heir, the Certificate sought for cannot be issued. The stand of the respondent is not correct.

3. In quite a few cases, this Court had held that even a Class II Legal Heir is entitled to issuance of Legal Heir Certificate. Therefore, the respondent is directed to satisfy himself that the petitioner is the biological brother of the deceased Mari and if he



is so satisfied, the Legal Heir Certificate shall be issued to the petitioner. That the applicant is a Class II Legal Heir will not come in the way of issuance of Legal Heir Certificate. The entire exercise shall be concluded within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of on these terms. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To

The Tahsildar,
Tahsildar Office,
Thiruppuvanam Taluk,
Sivagangai District - 630 611.

+1 CC to M/s.R. SENTHIL KUMAR, Advocate (SR-26369[F] dated
17/06/2022)

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TR(05.07.2022) 2P 3C