



W.P.(MD)No.13391 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13391 of 2022

S.Palavesamuthu

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Cheranmahadevi Revenue Division,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildhar,
Nanguneri Taluk Office,
Nanguneri,
Tirunelveli District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned endorsement letter issued by the 3rd respondent in O.Mu.A2/8193/2016, dated 03.01.2017 and quash the same as illegal and consequently, to direct the third respondent to issue legal heir certificate to the petitioner in the light of the petitioner's last



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representation dated 15.06.2022 as well as the Judgment and Decree of the Principal District Munsif Cum Judicial Magistrate Court, Nanguneri, made in O.S.No.165 of 2011, dated 22.10.2016 within a time frame as fixed by this Court.

For Petitioner : Mr.M.Karthikeya Venkitachalapathy
For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner claims lineage from one Mayamuthu Nadar. When he applied to the third respondent for issuance of legal heir certificate to include himself and other members of the family, the third respondent directed the petitioner to move the jurisdictional civil court. Accordingly, the petitioner and six others filed O.S.No.165 of 2011 before the Principal District Musif Court, Nanguneri. The Tahsildhar Nanguneri was shown as 7th defendant. The State of Tamil Nadu represented through its District Collector was shown as 8th defendant. Relief sought for in the suit was to declare the plaintiffs and the



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defendants 1 to 6 as the legal heirs of late. Mayamuthu Nadar. Declaration was granted as prayed for on 22.10.2016. The State as well as the Tahsildhar remained exparte. The decree had become final and it had not been questioned till date. Only thereafter, he moved the third respondent for issuance of certificate in the light of the said decree. The petitioner's request was rejected by the impugned order on the ground that there is no specific direction in the decree that legal heir certificate should be issued.

3. I am not able to appreciate the said stand taken by the jurisdictional Tahsildhar. Admittedly, the jurisdictional Tahsildar as well as the State of Tamil Nadu were parties to the suit for declaration filed by the petitioner and others. All that the petitioner is seeking is that the legal heir certificate in tune with the civil court decree must be issued to him. The third respondent could not have negated the said prayer.

4. When the matter was taken up for hearing, the learned Additional Government Pleader submitted that enquiry conducted by the Tahsildhar would reveal that the petitioner was of-course coming in the



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lineage of Mayamuthu Nadar. However, there is nothing on record to show that Mayamuthu Nadar was the adopted son of one Muthu Paratesi. It is not known as to how Mayamuthu Nadar acquired the property in question. In my view, the respondents need not hesitate to issue the legal heir certificate. The legal heir certificate cannot cloth anyone with rights over any property. It is only a statement issued by the concerned authority and nothing more. In this case, the authority is not issuing the certificate on his own. He will only be acting in consonance with the civil court decree. Therefore, the order impugned in the writ petition is set aside. The third respondent is directed to issue legal heir certificate in consonance with the decree made in O.S.No.165 of 2011 on the file of the Principal District Munsif cum Judicial Magistrate, Nanguneri.

5. The Writ Petition is allowed. No costs.

11.07.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

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