



W.P.(MD)No.13796 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13796 of 2022

R.Manjula

... Petitioner

Vs

The Tahsildar,
Aranthangi Taluk Office,
SH-29, Taluk Office Road,
Pudukkottai-614 616.

... 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 legal heir certificate for her deceased husband K. Sannasi who died on 18.12.2018 within the stipulated period as fixed by this Court.

For Petitioner : Mr.A.Mohan

For Respondent : Mr.M.Sarangan
Additional Government Pleader.



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ORDER

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Heard the learned counsel on either side.

2. The petitioner's husband Mr.K.Sannasi passed away on 08.12.2018.

The petitioner wants the respondent to issue legal heir certificate.

3. It is seen that there is no dispute that the petitioner is the wife and that Santhosh Samuvel was born through the wedlock. But an objection has been raised by one, Jeyashri, daughter of Perumal and Rajalakshmi.

4. It is stated that the said child was given in adoption to K.Sannasi and Manjula in the year 2011. The deed of adoption was also registered. The petitioner would contend that the deed of adoption was never acted upon and the said Jeyashri was never given any custody. In fact, the petitioner's counsel will add that the name of the child is Jasmine and not Jeyashree.

5. Be that as it may, there cannot be any impediment for the respondent to hold an enquiry in this matter and issue certificate as sought for by the petitioner. If the respondent is satisfied that the adoption has taken place, he can include the name of the adopted child also as one of the legal heirs.



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6. In any event, he cannot refuse to issue certificate by recognising the writ petitioner and her son Santhosh Samuvel as legal heirs of the deceased K.Sannasi.

7. The entire exercise shall be concluded after holding the enquiry and the respondent shall issue legal heir certificate within a period of eight weeks from the date of receipt of a copy of this order. This writ petition is allowed. No costs.

15.07.2022

Index : Yes / No
Internet : Yes/ No
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To

The Commissioner,
Office of the Melur Municipality,
Thiruvavatavur Road,
Melur,
Madurai District.



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G.R.SWAMINATHAN, J.

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