



W.P(MD)No.13571 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13571 of 2022

Minor Dhanshika,
Rep. by her Next Friend & Natural Guardian,
Karthiga.

... Petitioner

Vs.

The Tahsildar,
Kadavoor Taluk,
Kadavoor,
Karur District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent relating to the impugned order dated 02.06.2022 in O.Mu.A.5/749/2022 to quash the same and consequently direct the respondent herein to issue Legal Heir Certificate of late R.Dhanam by including the petitioner's name as Daughter on the basis of the petitioners Online Application dated 15.02.2022.

For Petitioner : Mr.T.Dhamodharan

For Respondent : Mr.N.Ramesh Arumugam,
Government Advocate.



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ORDER

Heard the learned counsel on either side.

2.One Dhanam passed away on 31.01.2022. The writ petitioner is her niece. The case of the writ petitioner who is a minor and who is represented by her mother is that during her life time, Dhanam had adopted the writ petitioner. The petitioner relies on a registered adoption deed. It is further submitted that the said Dhanam has shown the writ petitioner as her nominee in her service register. The grievance of the petitioner is that inspite of such materials, the respondent has chosen to reject her claim. The rejection order is put to challenge in this writ petition.

3.The learned counsel for the writ petitioner took me through the averments set out in the affidavit filed in support of the writ petition. Even though the case of the petitioner is quite persuasive, I am not in a position to grant relief for the simple reason that the respondent cannot decide the issue of adoption. It is more so because certain objections have been received against the writ petitioner's claim. Therefore, the order impugned in the writ petition is sustained. The petitioner is permitted to file a civil suit seeking declaration that she is adopted daughter of the deceased Dhanam. In the said suit, the objectors



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shall be added as defendants. The jurisdictional civil Court is directed to number the plaint and dispose of the suit on merits and in accordance with law within a period of six months after service on the defendants. I make it clear that I have not gone into merits of the matter. All the contentions of the writ petitioner is left open.

4.The writ petition is disposed of accordingly. No costs.

10.08.2022

Index : Yes / No
Internet : Yes/ No
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To:-

The Tahsildar,
Kadavoor Taluk,
Kadavoor,
Karur District.



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G.R.SWAMINATHAN, J.

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