



W.P.(MD).No.14064 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.14064 of 2022

and

W.M.P(MD)No.10040 of 2022

S.Fowsiya Begam

... Petitioner

Vs.

The Tahsildar,
Natham Taluk,
Dindigul District,
Dindigul.

... 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 relating impugned order of rejection of legal heirship certificate application made in Application No.TN- 7202204061035 passed by the respondent dated: Nil and consequently direct the respondent to issue legal heir certificate in favour of the petitioner, her brother namely Abdul Azeez, and her mother namely Paarija Beevi as legal heirs of late Sheik Abdul Rasheed within a time limit stipulated by this Court.

For Petitioner : S.Anwar Sameem

For Respondent : Mr.N.Muthuvijayan

Special Government Pleader



W.P.(MD).No.14064 of 2022

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ORDER

The present writ petition has been filed challenging an online order passed by the respondent herein, under which the request of the petitioner for legal heirship certificate has been rejected on the ground that the deceased person had two wives.

2. The learned counsel for the petitioner has pointed out that the third party, who claimed herself to be the second wife had filed O.S.No. 33 of 2017 before the District Munsif cum Judicial Magistrate Court, Natham for a declaration that she is the legal heir of the deceased Sheik Abdul Rasheed @ Rasheed Rawther. The said suit was dismissed on 03.08.2021. Since the civil proceedings have culminated in favour of the writ petitioner, the respondent ought to have issued a legal heirship certificate to the writ petitioner, her brother and her mother. However, without considering the Civil Court decree, the present impugned order has been passed.

3. Considering the above said facts, this impugned order is set aside. This matter is remitted back to the respondent. After giving due



W.P.(MD).No.14064 of 2022

opportunity to the writ petitioner and after going through the decree in O.S.No.33 of 2017, the respondent shall pass orders. Unless the party, who is objecting to the legal heirship certificate comes out with a proof of filing appeal against the Civil Court decree, the objector shall not be heard by the respondent. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4. This Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

18.07.2022

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Index : Yes / No
Internet : Yes / No

To

The Tahsildar,
Natham Taluk,
Dindigul District,
Dindigul.



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W.P.(MD).No.14064 of 2022

R.VIJAYAKUMAR ,J.

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Order made in
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