



W.P(MD)No.14320 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14320 of 2022

A.Umar Barook

... Petitioner

Vs.

The Thasildar,
Taluk Office,
Madurai North Taluk,
Madurai 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 records of the impugned rejection order in online application No.TN-7202203103070 dated 23.03.2022 issued by the respondent, quash the same as illegal and consequently direct the respondent to issue legal heir certificate based on the petitioners application dated 10.03.2022 to him, his sister and his grandmother and for other reliefs within a period stipulated by this Court.



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For Petitioner : Mr.S.Atham Ali

For Respondent : Mr.M.Sarangan,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The petitioner's father namely Abdul Hakkim is no more. The petitioner applied for issuance of legal heir certificate. The case of the writ petitioner is that his mother Umairaparveen had divorced his father way back in the year 2009 through customary mode (Kula). The respondent cannot be expected to go by the document furnished by the writ petitioner alone. If the petitioner produces his mother before the respondent and his mother also admits that she had divorced the petitioner's father, then, the respondent can issue a legal heir certificate containing the legal heirs of the writ petitioner's father but after excluding the writ petitioner's mother. If the petitioner cannot produce his mother before the respondent or if the petitioner's mother disputes the theory of divorce propounded by the petitioner, the respondent cannot go into the said contentious issue. The petitioner has to necessarily approach the jurisdictional civil Court for relief.



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3. With this observation, clarification and direction, the writ petition is disposed of. No costs.

03.08.2022

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

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Taluk Office,
Madurai North Taluk,
Madurai District.



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G.R.SWAMINATHAN, J.

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