



W.P.(MD)No.15762 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.09.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.15762 of 2021

R.Kalaiyarasi @ Tamilarasi

.. Petitioner

Versus

The Tahsildar,
Thiruverumbur Taluk Office,
Thiruverumbur,
Trichy District.

.. Respondent

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to re-issue legal heirship certificate on the death of the petitioner's son Arunprasath on 04.07.2006, by disposing the petitioner's Applications, dated 31.07.2021 and 14.08.2021, within the stipulated time to be fixed by this Court.

For Petitioner : Mr.D.Selvanayagam

For Respondent : Mr.A.Kannan
Additional Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondent to re-issue legal heirship certificate on the death of her son namely, Arunprasath on 04.07.2006, by disposing her Applications, dated 31.07.2021 and 14.08.2021, within a time frame.



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2. According to the petitioner, her husband, namely Rengaraj, who was working as Machinist in the Ordinance Factory at Tiruchirappalli, died on 19.07.2003 due to his ill-health, leaving behind the petitioner and three sons namely, R.Venkatesh, R.Arun Prasath and R.Sivanath as his legal heirs. Thereafter, on 01.03.2005 the petitioner's second elder son, namely, R.Arun Prasath got an appointment to the post of Fitter (Electronics) in the Ordinance Factory at Tiruchirappalli and before completion of his probation period, he died on 04.07.2006 as a bachelor, leaving his mother/petitioner and his brothers namely, Venkatesh and Sivanath as legal heirs. Thereafter, the petitioner approached the authorities seeking issuance of legal heirship certificate to get appointment to her younger son R.Sivanath. On 01.03.2013 the respondent issued legal heirship certificate in the petitioner's name alone. Thereafter, the petitioner sought for an appointment on compassionate ground and the same was rejected on ground of overage. Therefore, the petitioner sought for an appointment on compassionate ground to her younger son namely, R.Sivanath, which was also rejected by the General Manager, Ordinance Factory, Tiruchirappalli, on 22.04.2021. As against the said rejection, the petitioner's son preferred O.A.No.659 of 2021 before the Central Administrative Tribunal, Chennai, which directed him to produce legal heirship certificate and adjourned the case for hearing on 27.08.2021. As they are the legal heirs of the deceased, the petitioner made an application before



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the respondent on 31.07.2021 seeking to include her son's name in the original legal heirship certificate, which was issued on 01.03.2013. The respondent has not considered the said application. Hence, the petitioner sent a reminder on 14.08.2021 and the same is also pending for a long time with the respondent, who has not chosen to issue the legal heirship certificate.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

4.Considering the submissions made by the learned counsel on either side, without going into the merits of the case, this Court directs the respondent to consider the application of the petitioner, dated 31.07.2021, followed by a reminder, dated 14.08.2021, and after holding proper enquiry, pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5.This Writ Petition is disposed of with the above direction. No costs.

Index : Yes/No
To

22.09.2022

The Tahsildar,
Thiruverumbur Taluk Office,
Thiruverumbur,
Erichy District.

<https://www.mhc.tn.gov.in/jud>



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V.BHAVANI SUBBAROYAN, J.

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Order made in
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22.09.2022