



W.P.(MD)No.17078 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.17078 of 2022

M.Murugeswari

... Petitioner

Vs

1.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivakasi Revenue Division,
Virudhunagar District.

3.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of third respondent vide proceeding No. Na.Ka.A7/5929/2022 dated 14.07.2022 and quash the same as illegal as devoid of merits and further direct the respondents to issue Second Class legal heirship certificate for petitioner's great grandfather Veerapathira Thevar in accordance with law.



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For Petitioner : Mr.Raja Karthikeyan
For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

2. Thiru.Mayandi Thevar had passed away on 30.06.1963. The petitioner claims to be the granddaughter of Mayandi Thevar's brother, namely, Veerapathira Thevar. Since she is in Class-II legal heir category, the third respondent declined to issue the Legal Heirship Certificate as sought for. It has been held time and again that even if the applicant is a Class-II legal heir, the Legal Heir Certificate cannot be denied.

3 In this view of the matter, the impugned communication is quashed. The matter is remitted to the file of the third respondent. The respondent will also conduct proper enquiry. If the petitioner is found to be a heir though under class II category, such certificate shall be issued to her forthwith. If the authority is not satisfied that the petitioner is not coming under the class II category also, the petitioner has to workout her rights elsewhere.



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4. This writ petition is allowed on these terms. No costs.

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Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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