



W.P.(MD)No.20798 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.20798 of 2022

N.Krishnan

... Petitioner

Vs

1.The Additional Chief Secretary/
Commissioner of Revenue Administration,
Government of Tamil Nadu,
Chennai.

2.The Tahsildar,
Madurai North,
Collectorate,
Madurai.

... 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 pertaining to the impugned order in O.Mu.No.5068/2022/E1 dated 11.07.2022 of second respondent and quash the same as illegal and arbitrary and consequently direct the second respondent to issue the legal heir certificate to the petitioner within the time stipulated by this Court.



For Petitioner : Mr.P.Karthick
For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner is the son of one Namasivayam. The said Namasivayam had a brother by name Muthuchettiar. The said Muthu Chettiar had two wives, namely, Alagupillai and Angammal. Muthu Chettiar as well as his wives have passed away. The petitioner claims that he and his sister Seeniammal should be recognised as a legal heirs of Muthu Chettiar. To that effect, he gave an application. The petitioner's application was rejected by the impugned memorandum dated 11.07.2022 on the ground that for Class-II legal heirs, the Legal Heir Certificate will not be issued. Challenging the same, the writ petition has been filed.

3. The ground on which the impugned memorandum has been issued is clearly unsustainable. It has now been held that Legal Heir Certificate can be issued to the Class-II legal heirs also. Therefore, the order impugned in this writ petition is set aside. The matter is remitted to the file of the second respondent. The second respondent shall enquire into the petitioner's



W.P(MD)No.20798 of 2022

application and pass final order on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. I have not gone into the merits of the matter. It is open to the second respondent to pass one way or the other.

4. This writ petition is allowed. No costs.

02.09.2022

Index : Yes / No
Internet : Yes/ No
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