

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.09.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20602 of 2014

and

M.P(MD)No.1 of 2014

S.Chitra

... Petitioner

Vs.

The Tahsildar,
Office of Taluk Office,
Theni,
Theni 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 the records pertaining to proceedings of the respondent herein in O. Mu. No.1963-2014-A 12 dated 24.03.2014 and to quash the same and for consequently direct the respondent herein to issue the Legal Heirship Certificate in favour of the petitioner.

For Petitioner : Mr.Lawrance

For Respondent : Mr.M.Linga Durai
Special Government Pleader

ORDER

The present writ petition has been filed challenging an order passed by the respondent herein, under which the request of the petitioner for grant of legal heirship certificate has been rejected.

2. According to the petitioner, she has been adopted by one Kurumba Thevar, son of Maya Thevar. The said Kurumba Thevar and his wife, namely Pownthai did not have any issues. After the death of Kurumba Thevar and Pownthai, the petitioner has approached the respondent for grant of legal heirship certificate on the ground that she is the adopted daughter of the said Pownthai. The said request has been rejected under the impugned order.

3. The respondent herein is empowered to grant legal heirship certificate only with regard to the clause-I or clause-II heirs. However, the petitioner herein claims to be the legal heir of one Pownthai based upon adoption. Hence, the respondent herein will not have any jurisdiction to consider the fact whether the petitioner is the adopted daughter of the deceased Pownthai. The petitioner is at liberty to

approach the competent Civil Court for declaration of her legal status or for obtaining succession certificate.

4. With the above said observations, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

15.09.2022

Index : Yes / No
Internet : Yes / No

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To

The Tahsildar,
Office of Taluk Office,
Theni,
Theni District.

W.P(MD)No.20602 of 2014

R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.20602 of 2014

Dated:
15.09.2022