



W.P.(MD) No.17019 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2022

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.17019 of 2015

and

M.P.(MD) Nos.1 to 3 of 2015

Rajeswari

... Petitioner

/vs./

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
- 3.The Commissioner,
Treasuries and Accounts Department,
Jeens Road,
Panagal Building,
Saidapet, Chennai.
- 4.The District Treasury Officer,
District Treasury Office,
Sivagangai.



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5.The Tahsildar,
Sivagangai,
Sivagangai District.

6.Sivakami

7.Senthuran

8.Vasuki

9.Dhanalaksmi

10.Sujatha

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the record relating to the impugned order passed by the 5th respondent in his proceedings Pa.Mu.No: A6/309/14 dated 10.01.2014 and quash the same as illegal and consequently to direct the 5th respondent to issue legal heir certificate in favour of the petitioner and her daughter.

For Petitioner : M/s.A.Banumathy

For R1 to R5 : Mr.V.OM.Prakash
Government Advocate

For R6 to R10 : Mr.V.S.Kumaraguru



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ORDER

This writ petition has been filed challenging the legal heir certificate issued by the Tahsildar, Sivagangai, Sivagangai District certifying the respondents 6 to 10 are the legal heirs of one deceased Dhamodharan, S/o.Ramalingam.

2.The learned counsel for the petitioner would submit that the petitioner is the legally wedded wife and she as well as her daughter, by name Santhanalakshmi @ Palanikumari are the only surviving legal heirs of the deceased Dhamodharan. However, the learned counsel appearing for the sixth respondent would submit that the marriage of the petitioner with the husband, Dhamodharan, has been dissolved.

3.Pursuant to the orders of the Full Bench of this Court in W.P.No.25247 of 2021 and batch cases dated 17.06.2022, the Government had issued an order in G.O.(Ms) No.478, Revenue and Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 29.09.2022, framing guidelines apart from providing appeal and revision powers against the grant of legal heir certificate. An appeal provision against an order of Tahsildar is also provided. Hence, I am of



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the view that this Writ Petition is liable to be disposed of giving liberty to the petitioner to file an appeal before the second respondent herein within a period of three weeks from the date of receipt of a copy of this order. On receipt of the appeal, the second respondent shall dispose of the same after issuing notice to all the parties concerned, namely the petitioner as well as the respondents 6 to 10 in this writ petition and pass appropriate orders on merits and in accordance with law, within a period of six weeks from thereon.

4. With the above directions, the Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
Non Speaking : Yes / No
mm

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To

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- 5.The Tahsildar,
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K.KUMARESH BABU, J.

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