



WEB COPY



W.P.No.14236 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.14236 of 2023

Santhamma

.. Petitioner

Versus

1.The District Collector
District Collector Office
Krishnagiri
Krishnagiri District

2.The Tahsildar
Tahsildar Office
Krishnagiri
Krishnagiri District

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the order passed by the respondent in vide impugned order Na.Ka.No.1361/2022/A2 dated 13.06.2022 and quash the same and consequently direct the 2nd respondent to issue the second class legal heirs certificate to the petitioner.

For Petitioner : Mr.V.Balamurugan
For Respondent : Mr.V.Manoharan
Additional Government Pleader

ORDER

The present Writ petition has been filed seeking quashment of the



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order passed by the respondent in Na.Ka.No.1361/2022/A2 dated 13.06.2022 and consequently direct the 2nd respondent to issue the second class legal heirs certificate to the petitioner.

2. Mr.V.Manoharan, learned Additional Government Pleader takes notice for the respondents. In view of the consent expressed by the learned counsel on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that he along with 9 others claims to be the only legal heirs of their brother namely Muniyachari, who died on 19.11.2021, issue less, leaving them as his Class II Legal Heirs. Therefore, the petitioner along with 9 others made representation on 22.02.2022 for issuance of Class II legal heirship certificate for their brother in their favour, however, the second respondent has rejected the same on 13.06.2022. Hence, challenging the said rejection order, the present writ petition is filed.

4. Learned counsel appearing for the petitioner submitted that the petitioner along with 9 others applied for issuance of Class II Legal heirship Certificates for the said Muniyachari/petitioner's brother in their favour, by



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attaching the necessary documents. He further submitted that, when there is no rival claim, it is the duty of the respondent to consider the said application and issue Class II legal heirship certificate in favour of the petitioner. However, the respondent has rejected the same, vide impugned order dated 13.06.2022, which is not sustainable. Hence, he prayed for appropriate orders.

5. Learned Additional Government Pleader appearing for the respondents submitted that pursuant to the order of the Hon'ble Full Bench of this Court, a Government Order in G.O.Ms.No.478, Revenue & Disaster Management Department, dated 29.09.2022 was issued and as per the said Government Order, the Tahsildar is not the competent authority to issue Legal heirship certificate to the petitioner. Therefore, making application before the respondent/Tahsildar for issuance of legal heirship certificate is not sustainable. Hence, he prayed for dismissal of this Writ petition.

6. Heard learned counsel on either side and perused the materials available on record.



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7. The petitioner along with 9 others claims to be the Class II Legal

heirs of the deceased Muniyachar, who, it is claimed, is their brother.

However, as rightly pointed out by the learned Additional Government Pleader, the Government Order in G.O.Ms.No.478, Revenue & Disaster Management Department, dated 29.09.2022, issued pursuant to the order of the Hon'ble Full Bench of this Court has clearly stated that, Tahsildar is not the competent authority to issue Class II Legal heirship certificate and the petitioner has to approach only the competent Civil Court.

8. In view of above facts, the prayer sought for the petitioner in this Writ petition cannot be acceded to. However, the petitioner is at liberty to approach the competent civil court to workout his remedy in the manner known to law.

9. For the reasons aforesaid, this Writ Petition stands dismissed. No costs.

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M.DHANDAPANI., J.

dhk

To

1.The District Collector
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Krishnagiri District

2.The Tahsildar
Tahsildar Office
Krishnagiri
Krishnagiri District.

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