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W.P.No.19038 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.02.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.19038 of 2020

1.M.Faiyaz Ahamed
2.M.M.Niyaz Ahamed ... Petitioners

Vs

1 The District Revenue Officer
Ranipet District, Ranipet
2 The Revenue Divisional Officer
Ranipet Division, Ranipet division
3 The Thasildar
Wallajah Tlauk, Ranipet District
4 P.Riza Ahmed
5 P.Sadique Basha
6 V.Jameel Ahamed ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorari calling for the records in proceedings in Mu.Mu.A3/2670/2019 dated 24.6.2019 relating to the Legal Heir certificate issued by the third respondent in respect of the respondent 4 to 6 and quash the same.

For the Petitioners : Mr.S.Kamadevan

For the Respondents : Mr.S.J.Mohammed Sathik,
Government Advocate,
for respondents 1 to 3



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ORDER

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The writ petition has been filed in the nature of certiorari seeking interference with the legal heirship certificate which was issued on 24.06.2019 by the third respondent/Tahsildhar, Wallajah Taluk, Ranipet District.

2. In the affidavit filed in support of the petition, it had been stated that the grandfather of the petitioner P. Abdul Khader died on 04.03.1956. He had left behind legal heirs. Thereafter, since he also owned several properties and also had tannery business, there was a further family partition among the legal heirs. There was also a registered partitioned deed. Now legal heirship certificate is sought. The petitioners have applied for the same. The legal heirship certificate had been issued by giving 44 members as legal heirs.

3. However, let me not hold on to that particular fact but state that the legal heirship certificate was issued prior to the Government Order No. 478 dated 29.09.2022. That Government order is quite comprehensive and had been passed to cover all issues relating to grant of legal heirship certificate and to recognize second class legal



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heirs also. The order under challenge in the writ petition is therefore set aside. The matter is remanded back to the Tahsildar, Wallajah Taluk, Ranipet District to re-examine the entire issue in accordance with the guidelines given in the aforementioned Government Order 478 dated 29.09.2022.

4. If the Tahsildhar entertains any doubt or requires any clarifications, he may issue notice to the petitioners or to anybody who has filed the application, get the clarifications and thereafter pass a reasoned order either issuing legal heir certificate or denying to issue legal heirship certificate. For either order reasons must be given. The Tahsildhar is directed to dispose of the same on or before 10.04.2023.

5. The Writ petition is disposed of No costs. Consequently, WMP Nos.23604, 23606 and 23607 of 2020 are closed.

24.02.2023

Index: Yes/no
mrn



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To

- 1 The District Revenue Officer
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Ranipet Division, Ranipet division
- 3 The Thasildar
Wallajah Tlauk, Ranipet District

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C.V.KARTHIKEYAN, J.
(mrn)

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