



W.P.No.24834 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.24834 of 2023
and W.M.P.No.24229 of 2023

Kunjammal

... Petitioner

Vs.

The Revenue Tahsildar,
Thittagudi Taluk,
Cuddalore District.

... Respondent

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relates to the impugned rejection order passed by the respondent through web site vide Reference No.TN-7202110061927 and quash the same as illegal and unconstitutional and consequently, direct the respondent to issue legal heirship certificate by processing the petitioner's application dated 06.10.2021 vide Reference No.TN-7202110061927.



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For Petitioner : Mr.A.V.Raja

For Respondent : Mr.V.Manoharan
Additional Government Pleader

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has applied for a legal heir certificate, but it was rejected by the Tahsildar, the respondent herein on the ground that the deceased had two names viz., Thangavail and Sadayan.

3.Mr.V.Manoharan, the learned Additional Government Pleader takes notice for the respondent.

4.Heard Mr.A.V.Raja, the learned counsel for the petitioner and Mr.V.Manoharan, the learned Additional Government Pleader.

5.The learned Additional Government Pleader submitted that the petitioner



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has an appeal provision to the Revenue Divisional Officer and that he has approached this Court one stage too early.

6.While it is true that there is an appeal provision available within the administrative setup for issuing the legal heir certificate, this Court considers that merely because the deceased has an alias name, that does not *ipso facto* imply they do not have legal heirs, nor should they be denied a legal heir certificate. The fact that a deceased person has two names is not the fault of the legal heirs. Therefore, this Court requires the Tahsildar concerned to apply his mind and to satisfy whether the petitioner and such of the legal heirs of the deceased are indeed the legal heirs of one single person, regardless of how many different names he is known by.

7.Therefore, this Court sets aside the order of the Tahsildar, the respondent herein rejecting the legal heir certificate and remands the matter back to the respondent for a *de novo* consideration. The respondent is required to hold an enquiry and also required to give a personal audience to the petitioner, if

N.SESHASAYEE, J.



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deemed necessary, and dispose of the matter within a period of eight (8) weeks from the date of receipt of an online copy or the date on which the order is hosted in the official website, whichever is earlier.

8.This writ petition is disposed of with the above directions. No Costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No

Neutral citation : yes/no

To

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