



WEB COPY



W.P.No.26312 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2023

CORAM: JUSTICE N.SESHASAYEE

W.P.No.26312 of 2023
and W.M.P.Nos.25718 and 25719 of 2023

V.Rangammal

... Petitioner

-Vs-

1.The District Collector
Namakkal District

2.The Revenue Divisional Officer
Thiruchengode Taluk
Namakkal District

3.The Tahsildar
Paramthi Velur Taluk Office
Paramathi Velur
Namakkal District

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in his proceedings Oo.Mu.3182/2023/A1 dated 18.08.2023 and to quash the same as being illegal and unsustainable in law and for a consequential direction to the respondents to issue Legal Heir Certificate to the petitioner's father Late Mr.Muthunaicker, S/o.Chinna Bommanaicker and her mother Late Mrs.Muthayammal, wife of Muthunaicker under Class 1 Legal heirs.



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For Petitioner : Mr.R.Ramachadran

For Respondents : Mrs.N.Senthil Selvi
Government Advocate

ORDER

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

2.The petitioner has applied for the legal heir certificate of her parents.

The Tahsildar while having noted that the petitioner is the daughter of her parents, still directs her to go to Civil Court.

3.Mrs.N.Senthil Selvi, the learned Government Advocate takes notice for the respondents.

4.The reason why Tahsildar has declined to issue a legal heir certificate as the daughter of her father Muthunaicker is that Muthunaicker was married twice and hence he directed the petitioner to approach the Civil Court. The impugned proceedings of the Tahsildar nowhere states whether Muthunaicker had contracted a second marriage even when his first wife was alive, nor does it make a statement whether the petitioner



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was born to the first wife or the second wife. The Tahsildar also says the petitioner will not be a class-1 heir. The order is bereft of any particulars and hence this Court is constrained to set aside the order and remands the matter back to the Tahsildar for denova enquiry and dispose of the matter within a period of eight (8) weeks from the date of receipt of a copy of this order.

5.This writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

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Index : Yes/No
Neutral Citation

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To

1.The District Collector
Namakkal District

2.The Revenue Divisional Officer
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3.The Tahsildar
Paramthi Velur Taluk Office
Paramathi Velur
Namakkal District

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