



W.P.No.26388 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2023

CORAM: JUSTICE N.SESHASAYEE

WP.No.26388 of 2023
& WMP.No.25804 of 2023

B.Poongothai

...Petitioner

-Vs-

1.The District Collector,
Office of the Collectorate,
Villupuram District.

2.The Tahsildar,
Office of the Tahsildar,
Kandachipuram Taluk,
Villupuram 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 relating to the impugned rejection order passed by the 2nd respondent dated 11.08.2023 vide Mu.Mu.A1/2410/2023 and quash the same as illegal and consequently direct the 2nd respondent to issue legal heir certificate to the petitioner and her family as prayed for and the same shall be done within the time limit stipulated by this Court.

For Petitioner : Mr.M.Sudhan
For R1 and R2 : Mr.M.Bindran, AGP



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ORDER

The petitioner had applied for a legal heir certificate for late.Balasubramaniyan. This was declined by the Tahsildar, the second respondent on the ground Balasubramaniyan was earlier married to one Mahalakshmi, who had passed away on 28.07.1971 and since the petitioner herein is the second wife of the said Balasubramaniyan, he required the petitioner to approach the civil Court.

2.Mr.M.Bindran, learned Additional Government Pleader takes notice for the respondents.

3.Apparently, the first wife of Balasubramaniyan had passed away even in 1971. Now, unless there is some material to indicate that the petitioner herein was married to Balasubramaniyan even when his first wife was alive or if any of the children born to the petitioner through Balasubramaniyan were his illegitimate children, only then, the issue of requiring the petitioner to approach the civil Court may arise for the purpose or issuance of legal heir certificate. After all, legal heir



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certificate so issued is not conclusive proof of status of such of those who have been mentioned as legal heirs of the deceased in a legal heir certificate.

4.The learned Additional Government Pleader submitted that there is an appeal remedy available and the petitioner may approach the Revenue Divisional Officer.

5.The very reading of the order of the Tahsildar/second respondent indicates that he has not even chosen to apply his mind to make certain investigation on facts. Therefore, this Court considers it appropriate to direct the Tahsildar/second respondent to make a fact finding in the manner indicated above.

6.The Writ Petition is accordingly allowed and the impugned proceedings of the Tahsildar dated 11.08.2023 is set aside and the matter is remanded back to the Tahsildar/second respondent, who is now required to hold an enquiry and may also hear all those who are likely to



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be affected by his proceedings and dispose of the same within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

08.09.2023

Index : Yes/No
Internet : Yes/No
Tsg



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To

- 1.The District Collector,
Office of the Collectorate,
Villupuram District.
- 2.The Tahsildar,
Office of the Tahsildar,
Kandachipuram Taluk,
Villupuram District.



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N.SESHASAYEE, J.,

Tsg

Order made in
W.P.No.26388 of 2023

08.09.2023