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W.P.No.30425 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.10.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.30425 of 2023

M.Maniyan

... Petitioner

Vs

The Tahsildar
Taluk Office, Anbu Nagar,
Madukkarai,
Coimbatore 641105.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to cancel the legal heir certificate bearing certificate No. TN 72021105368 and issue a fresh legal heir certificate including the name of the petitioner as one of the legal heirs based on the petitioners representation dated 31.07.2023 within the time frame that may be stipulated as this Honourable Court.

For Petitioner : Mr.D.Muthu

For Respondent : Mr.J.C.Durairaj
Additional Government Pleader



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ORDER

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Mr.J.C.Durairaj, learned Additional Government Pleader accepts notice for the sole respondent being Tahsildar, Taluk Office, Anbu Nagar, Madukkarai, Coimbatore and is armed with instructions to enable final disposal of this writ petition, even at the stage of admission.

2. The petitioner seeks a mandamus directing the respondent to issue a fresh legal heirship certificate including his name as one of the legal heir of one Maran and Sellammal. The latter is stated to have been passed away on 05.09.2020 and her demise is stated to have been registered with the Vellalore Town Panchayat bearing death certificate No.D 2020:33-1678-0000172 dated 21.10.2020.

3. He submits that since he was not in amicable terms with his brothers and sisters, legal heirship certificate has been obtained by his siblings, who are not arrayed as respondents, without including his name. That legal heirship certificate bears No.TN-72021105368 dated 09.12.2020.

4. It was only when he approached the respondent in April, 2023 seeking issuance of legal heirship certificate, did he come to be aware that the aforesaid legal heirship certificate had already been issued, albeit without his name. Hence, this Writ petition and mandamus as sought for.



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5. The petitioner states that he has made a representation on 31.07.2023 before the respondent seeking the same prayer as before this Court. Since, the adjudication of the relief sought for requires assimilation and marshalling of facts, including the versions of siblings who are not even parties to this Writ petition, mandamus as simplicitor is issued directing the respondent to consider the petitioner's representation dated 31.07.2023.

6. Both the petitioner as well as all the siblings, that is, those who are arrayed as legal representatives in certificate bearing No. TN-72021105368 dated 09.12.2020, shall be called for an enquiry, enquiry caused and a decision taken on the plea of the petitioner within a period of six (6) weeks from date of receipt of a copy of this order. This exercise shall be conducted in accordance with the principles of natural justice and in accordance with law.

7. This Writ petition is disposed in the aforesaid terms. No costs.

30.10.2023

Index : Yes / No
Speaking Order
Neutral Citation: Yes
sl

To
The Tahsildar
Taluk Office, Anbu Nagar,
Madukkarai, Coimbatore 641105.



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Dr.ANITA SUMANTH, J.
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