



W.P(MD)No.106 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.106 of 2023
and
W.M.P.(MD)No.120 of 2023

Seethaiyammal

... Petitioner

Vs.

The Thasildar,
Sivakasi Taluk,
Sivakasi,
Virudhunagar District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the respondent dated 27.11.2022 in Application No.TN-720221119203 and quash the same as illegal and consequently direct the respondent to issue legal heirship certificate of the petitioner's brother Seeni Moopar based on the petitioner's application No.TN-720221119203.

For Petitioner : Mr.A.Balaji

For Respondent : Mr.G.Suriyanandh,
Addl. Government Pleader.



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ORDER

Heard the learned counsel on either side.

2. One Senimooppar passed away on 19.08.2022. The petitioner claims to be his biological sister. She applied for issuance of legal heir certificate. According to petitioner, her brother died issueless. His wife is said to have predeceased him. The petitioner claims to be class-II legal heir. It is well settled that even a class-II legal heir certificate can be issued with legal heir certificate. Without taking note of this legal position, the respondent has mechanically rejected the petitioner's application. The order impugned in the writ petition is set aside. The respondent shall hold an enquiry and satisfy himself if the petitioner is actually the sister of the deceased. If that be so, legal heir certificate shall be issued in favour of the writ petitioner. The respondent shall also find out if there are any other legal heirs. This exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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2.The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

02.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

The Thasildar,
Sivakasi Taluk,
Sivakasi,
Virudhunagar District.



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G.R.SWAMINATHAN, J.

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