



W.P.(MD)No.438 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.438 of 2023 and
W.M.P.(MD)No.402 of 2023

P.Mani

... Petitioner

vs.

1.The Tahsildar,
Uthamapalayam Taluk, Theni District.

2.The Revenue Inspector,
Uthamapalayam, Theni District.

3.The Village Administrative Officer,
Melagudalur-South,
Uthamapalayam, Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned web copy of the order of the first respondent in respect of Application No.TN-7202207182588, dated 18.07.2022 and to quash the same and consequently, to direct the respondents herein to issue legal heir certificate of petitioner's father, Late S.Ponram, to the petitioner as per guidelines and procedure framed in G.O.(Ms)No.478, Revenue and Disaster Management, Revenue Admn Wing, RA-3(2) Section, dated 29.09.2022.



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For Petitioner :Mr.K.Appadurai
For Respondents :Mr.J.Ashok
Additional Government Pleader

ORDER

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with an order, dated 18.07.2022 of the first respondent/Tahsildar, Uthamapalayam in Theni District, who rejected grant of legal heirship certificate to the petitioner for the father of the petitioner, by name, Late S.Ponram, who died on 04.01.2022.

2.Heard Mr.K.Appadurai, learned Counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader for the respondents.

3.It is stated that the address of the father at the time of his death was Mangalam, Neruppalcity, Vandanmedu, Idukki, Kerala-685 551.

4.The learned Additional Government Pleader stated that in view of that address of the father at the time of death, it would only be appropriate that the petitioner files an appeal, as provided in G.O. (Ms)No.478, Revenue and Disaster Management, dated 29.09.2022.



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5.The learned Counsel for the petitioner, however, stated that sufficient documents have been produced that the petitioner is a resident of Theni District and that the father was also normally residing only at Theni District. He also stated that the place of death was at Sri Lingammal Nursing Home, Theni. Therefore, it is stated, that merely because, an address in Kerala had been given, it may not appropriate for the petitioner to file an appeal.

6.Since the Tahsildar had given reasons for rejection of legal heirship certificate, he would now be bound by those reasons. Therefore, it would only be appropriate that the petitioner approaches the Revenue Divisional Officer by way of an appeal. I would direct the Revenue Divisional Officer to take the other circumstances into consideration, namely, the documents filed by the petitioner relating to the residential address of the petitioner, the place of death of father of the petitioner and all other documents, which indicate that the father was normally residing at Theni District. These documents may be considered by the Revenue Divisional Officer, when an appeal is filed.



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7.The order of the Tahsildar is dated 18.07.2022. In accordance with the Government Order, referred to above, one year time is granted for filing an appeal. Therefore, the petitioner may file an appeal within the period of limitation and if it is so filed, an obligation is placed on the Revenue Divisional Officer to examine all circumstances and then pass an order. If any compliances have to be made, the Revenue Divisional Officer may issue notice to the petitioner and give opportunity of hearing and then, pass necessary orders with reasons. The said exercise by the Revenue Divisional Officer should be completed within a period of twelve weeks from the date on which an appeal is preferred by the petitioner herein.

8.The Writ Petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Index :Yes / No
Internet :Yes
NCC : Yes/No
cmr

13.03.2023



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C.V.KARTHIKEYAN, J.

cmr

Order made in
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