



W.P(MD)No.807 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.807 of 2023

and

W.M.P.(MD)No.782 of 2023

PL.Palaniappan

... Petitioner

Vs.

**The Tahsildar,
Karaikudi,
Sivagangai District.**

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the recent impugned Rejection Order in Online Application No.TN-7202212151088, dated 05.01.2022 issued by the respondent, quash the same as illegal and consequently, directing the respondent to issue the legal heir certificate to the petitioner based on the final application dated 15.12.2022 and grant such other and further relief.

For Petitioner : Mr.RM.Arun Swaminathan

**For Respondent : Mr.M.Siddharthan
Additional Government Pleader**



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ORDER

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Heard the learned counsel on either side.

2. The petitioner's first wife Alamelu is said to have passed away on 09.11.1990. Through the said wedlock, the petitioner had begotten three daughters through her. One of the daughters now is at Malaysia. She has to obtain permanent residential certificate. She is therefore in need of legal heirship certificate. Application was filed before the respondent. The respondent declined the request on the ground that there is nothing on record to show that the petitioner's wife resided within the jurisdictional limits of Karaikudi for one year prior to her demise.

3. I called upon the learned counsel appearing for the petitioner to show me any material that Alamelu had resided at Karaikudi. My attention has not been drawn to any such material. I am not in a position to interfere with the order impugned in this writ petition. Liberty is given to the petitioner to move the respondent again, if the petitioner can lay hands on any such material. The order impugned in the writ petition is sustained. The Writ Petition is dismissed. Liberty is also given to the petitioner to move the District Munsif Court, Karaikudi for obtaining declaration. As and when the petitioner files



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any such civil suit, the same shall be numbered immediately and disposed of on merits and in accordance with law within a period of four months after such filing.

4. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

20.02.2023

Index : Yes / No
Internet : Yes/ No
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To

The Tahsildar,
Karaikudi,
Sivagangai District.



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G.R.SWAMINATHAN, J.

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