



W.P.(MD)No.2308 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.2308 of 2022

R.Valli

... Petitioner

Vs.

The Tahsildar,
Melur Taluk,
Madurai District.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the respondent relating to the impugned communication bearing Na.Ka.No.451/2022/A3 dated 25.01.2022 and quash the same, consequently direct the respondent to issue a Legal Heirship Certificate for Serial Nos.1, 2 and 4 of the application only in respect of the petitioner's son Rajavelu along with first wife Sumithrai and her daughter Durgadevi within a stipulated period of time.



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For Petitioner : Mr.S.Siva Ilayaraja
For Respondent : Mr.J.Ashok
Additional Government Pleader

ORDER

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with the communication bearing Na.Ka.No. 451/2022/A3, dated 25.01.2022 issued by the respondent / Tahsildar, Melur Taluk, Madurai District and for a direction against the respondent to issue fresh Legal Heirship Certificate.

2. In the affidavit filed, the petitioner had stated that she is the second wife of Ramaiya, who died on 23.07.2021. She had applied for Legal Heirship Certificate. That was rejected by the respondent claiming that she, as the second wife cannot seek that particular status.

3. In the affidavit, it had been stated that however the status of the son born through Ramaiya should be recognised.



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4. The learned counsel for the petitioner also stated that the son can be recognised as a legal heir.

5. The legal heirs of the deceased Ramaiya would be his first wife Sumithrai, the son Sakthivel, who had died as a Bachelor in the year 1991, the daughter Durgadevi and the son of the petitioner Rajavelu.

6. In view of this fact, the impugned order is set aside and the matter is remitted back to the respondent herein who has to consider G.O.(Ms)No.478 introduced by the Government on 22.09.2022 and examine the credentials of the legal heirs of the deceased Ramaiya and then issue fresh Legal Heirship Certificate after due enquiry.

7. The legal heirs of the deceased Ramaiya would be the first wife Sumithrai, the deceased son Sakthivel, who died as Bachelor, the daughter Durgadevi and the son of the petitioner Rajavelu.



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8. The necessary Legal Heirship Certificate in this regard may be issued within a period of twelve weeks from the date of receipt of a copy of this order.

9. Since the impugned order is set aside, the Writ Petition stands allowed and the matter is remitted back to the Tahsildar. There shall be no order as to costs.

24.03.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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