



W.P(MD)No.2946 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2946 of 2023

and

W.M.P.(MD)No.2733 of 2023

Kanagaraj

... Petitioner

Vs.

1.The Tahsildar,
Dindigul West Taluk Office,
Dindigul District.

2.The Revenue Inspector,
Moolachathiram,
Dindigul District.

3.The Village Administrative Officer,
Kamatchipuram Panchayat,
Ellapatti, Dindigul District.

... Respondents

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 pertaining to the impugned proceedings issued by the 1st respondent in Oo.Mu.No.39502/2012/A1 dated 01.10.2012 and quash the same and consequently directing the respondents to issue the Legal Heirship Certificate to the petitioner by showing his mother's name and petitioner's name only on the basis of his application within the time stipulated by this Court.



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For Petitioner : Mr.R.Varatharajan

For Respondents : Mr.M.Siddharthan,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.One Thirumalswamy passed away on 25.08.2022. The petitioner seeks issuance of legal heir certificate. The first respondent took the stand that since the said Thirumalswamy had two wives, the legal heir certificate as sought for cannot be granted. The approach of the first respondent is not in order. Since the petitioner is the son of the said Thirumalswamy, the petitioner can be issued with legal heir certificate. All the children are to be on the same pedestal. Of course, the second wife will not be entitled to claim any legal heirship. These aspects can very well be gone into by the respondent by holding proper enquiry. The petitioner's request cannot be rejected mechanically. Therefore, the petitioner is permitted to submit a fresh representation to the first respondent. The first respondent shall hold a fresh enquiry and issue proper legal heir certificate as sought by the petitioner within a period of twelve weeks



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thereafter. The petitioner has to place all the relevant records to enable the first respondent to conduct proper enquiry. I make it clear that I have not given any positive direction. The first respondent will pass orders on merits and in accordance with law.

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

14.02.2023

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

- 1.The Tahsildar,
Dindigul West Taluk Office,
Dindigul District.
- 2.The Revenue Inspector,
Moolachathiram,
Dindigul District.
- 3.The Village Administrative Officer,
Kamatchipuram Panchayat,
Ellapatti, Dindigul District.



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G.R.SWAMINATHAN, J.

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