



WP(MD)No.4006 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD).No.4006 of 2023 and
WMP(MD) No.3878 of 2023

Mallika

... Petitioner

Vs

1.The Tahsildar,
Office of the Tahsildar,
Kalaiyarkovil,
Sivagangai District.

2.Gnanamani

3.The Revenue Divisional Officer,
Sivagangai.

... Respondents

(R3 is *suo motu* impleaded in this writ petition as per order of this Court, dated 13.07.2023)

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 pertaining to the impugned legal heir certificate issued by the first respondent in Pa.Mu.No.A4/3117/5, dated



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23.12.2015 and quash the same consequently directing the first respondent to conduct an enquiry and issue the legal heir certificate by including the parents of deceased Amutha @ Meenal.

For Petitioner : Mr.D.S.Haroon Rasheed
For R1 & R3 : Mr.M.Sarangan
Additional Government Pleader
For R2 : No appearance

ORDER

The petitioner is a mother of one Amutha @ Meenal, who died on 22.06.2015 in a private Hospital. The husband of the said Amutha @ Meenal has obtained a legal heir certificate in his favour, without including the petitioner and her husband. Challenging the same, the mother of Amutha @ Meenal has filed this writ petition.

2.The learned counsel appearing for the petitioner submits that the petitioner and her husband one Shanmugam are also the legal heirs of the deceased Amutha @ Meenal as Class I heirs. However, omitting them, the first respondent has issued a legal certificate in



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favour of the second respondent alone. The husband of the deceased Amutha @ Meenal has filed a writ petition before this Court in WP(MD)No.18027 of 2015 that his application dated 10.07.2015 seeking for an issuance of legal heir certificate was not considered by the first respondent. This Court, by order dated 06.10.2015 disposed of that writ petition with a direction to the respondent to consider the representation of the petitioner/the husband of the deceased Amutha @ Meenal by affording opportunity to all the necessary parties and pass appropriate orders. Despite the earlier order of this Court, the first respondent has issued a legal heir certificate in the name of the second respondent alone.

3. There is no representation for the second respondent.

4. The learned Additional Government Pleader appearing for the first respondent submits that during the enquiry, the petitioner and her husband have not appeared and therefore, the legal heir



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certificate has been issued in favour of the second respondent alone. He further submits that once the legal heir certificate has been issued by the Tahsildar, he cannot make any alteration in the certificate and the Revenue Divisional Officer is the competent authority.

5. In view of the submissions made by the learned Additional Government Pleader, **this Court *suo motu* impleads the Revenue Divisional Officer, Sivagangai as the third respondent** in this writ petition and the learned Additional Government Pleader is directed to take notice for the newly impleaded third respondent. The petitioner is directed to submit a fresh representation to the Revenue Divisional Officer, Sivagangai within a period of three weeks from the date of receipt of a copy of this order. The Revenue Divisional Officer, Sivagangai shall cause notice to the second respondent and conduct a fresh enquiry and pass orders for grant of legal heir certificate within a period of twelve weeks thereon.



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6. With the above directions, this writ petition is disposed

of. No costs. Consequently, connected Miscellaneous Petition is closed.

13.07.2023

NCC : Yes / No.

Index : Yes / No.

vrn

To

1. The Revenue Divisional Officer,
Sivagangai.

2. The Tahsildar,
Office of the Tahsildar,
Kalaiyarkovil,
Sivagangai District.



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B.PUGALENDHI, J.

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Order made in
WP(MD).No.4006 of 2023 and
WMP(MD) No.3878 of 2023

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