



W.P.(MD)No.4335 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4335 of 2023

C.Ramaiya

... Petitioner

Vs.

1.The District Collector,
Collectorate Campus,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Kumbakonam Taluk Office,
Kumbakonam,
Thanjavur District.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the rejection order passed on the petitioners application for issuance of Legal Heir Certificate for his paternal uncle G. Raja Manickam, S/o. Late. Govindasamy in Na.Ka.NO. 4706/2022/A1 dated 11.08.2022 and quash the same and direct the 2nd respondent to issue Legal Heir Certificate to the petitioner within the time stipulated by this Court.



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For Petitioner : Mr.K.Gnanasekaran
For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. One Rajamanickam passed away on 25.09.2019. The petitioner claims that he is his nephew. The petitioner applied for issuance of legal heir certificate. The request was rejected on the ground that the petitioner is only a Class-II Legal heir.

3.This Court had already held that there cannot be any discrimination between Class-I and Class-II legal heirs. The decision of the Hon'ble Full Bench of this Court has also been implemented by the Government by issuing a G.O. In this view of the matter, the impugned memorandum is set aside. The matter is remitted to the file of the second respondent. The second respondent will conduct an enquiry and thereafter pass final orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.



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4. This writ petition is allowed on these terms. No costs.

01.03.2023

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

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To

- 1.The District Collector,
Collectorate Campus,
Thanjavur District,
Thanjavur.
- 2.The Tahsildar,
Kumbakonam Taluk Office,
Kumbakonam,
Thanjavur District.



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G.R.SWAMINATHAN,J.

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