



W.P(MD)No.5098 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.5098 of 2023
and WMP(MD)No.4793 of 2023

Gomathiammal

... Petitioner

Vs

1. The District Collector,
O/o.The District Collector,
Tirunelveli District, Tirunelveli.
2. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Tirunelveli District.
3. The Tahsildar,
O/o.The Tahsildar, Nanguneri,
Tirunelveli District.

... Respondents

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 communication in rejecting the Application number TN-7202205301250 through their official website in <http://www.tnesevai.tn.gov.in/> dated Nil, on the file of the respondent no.3



W.P(MD)No.5098 of 2023

and quash the same as illegal and consequently for a direction, direct the respondent no.3 to grant legal heir certificate of Mr.Nallasivan (Late), within the time period stipulated by this Court.

For Petitioner : Mr.N.Ganaga Sapapathy

For R1 to R3 : Mr.J.Ashok
Additional Government Pleader

ORDER

G.O.Ms.No.478 has been introduced by the Government on 22.09.2022. There is an appellate provision available. An appeal has to be filed before the jurisdictional Revenue Divisional Officer.

2.The grievance of the learned counsel for the petitioner is that the third respondent/Tahsildar had not given any opportunity and rejected the claim of the petitioner holding that since the deceased had two wives, he had no jurisdiction to grant legal heir certificate.

3.Since, there is an appeal provision available, let the petitioner file an appeal even if the period of limitation is over. The second respondent/Revenue Divisional Officer may take the appeal on file provided the petitioner file the appeal on or before 24.03.2023.



W.P(MD)No.5098 of 2023

WEB COPY

4.The Revenue Divisional Officer/second respondent may examine the issues in detail and examine the fact that the applicant had children, who must be recognized as legal heirs of the deceased.

5.The Appellate authority must dispose of the appeal, within a period of eight weeks, from the date on which the appeal is presented.

6.With the above directions, this Writ Petition stands disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

10.03.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No
PNM



W.P(MD)No.5098 of 2023

To

WEB COPY

1. The District Collector,
O/o.The District Collector,
Tirunelveli District, Tirunelveli.
2. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Tirunelveli District.
3. The Tahsildar,
O/o.The Tahsildar, Nanguneri,
Tirunelveli District.



WEB COPY



W.P(MD)No.5098 of 2023

C.V.KARTHIKEYAN, J.

PNM

ORDER IN
W.P(MD).No.5098 of 2023
and WMP(MD)No.4793 of 2023

10.03.2023