



W.P(MD)No.8763 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.8763 of 2023

Maniyammal

... Petitioner

Vs.

The Thasildar
Eral Taluk Office,
Thoothukudi District.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of respondent pertaining to the impugned order in ஓ.மு.அ1/3661/2021 dated 17.02.2022 and quash the same as illegal and arbitrary and consequently direct the respondent to issue the legal Heir ship certificate to the petitioner.

For Petitioner : Mr.A.D.Ganeshamoorthi

For Respondent : Mr.J.Ashok,
Additional Government Pleader



WEB COPY



W.P(MD)No.8763 of 2023

ORDER

Heard the learned counsel for the petitioner. The Court also had the benefit of the assistance of Mr.J.Ashok, learned Additional Government Pleader for the respondent.

2. The writ petition has been filed in the nature of Certiorarified Mandamus seeking interference with the order of the respondent dated 17.02.2022 in ஓ.மு.அ1/3661/2021 which related to issuance of legal heirship certificate. In the order which is impugned before this Court, the respondent had stated that the deceased Santhanam had two wives and therefore, had refused to recognise the petitioner as legal heir and had refused to issue legal heirship certificate. This order had been passed on 17.02.2022. Subsequently, on 29.09.2022 the Government of Tamil Nadu had passed G.O.(Ms)No.478 giving guidelines for issuance of legal heirship certificate. The respondent herein may take note of that particular Government order and apply his mind afresh on the facts of the case and pass necessary orders.



W.P(MD)No.8763 of 2023

WEB COPY

3. The Writ Petition stands allowed. The impugned order is set aside and the matter is remitted back to the Tahsildar for fresh consideration in accordance with the provisions under G.O.Ms.No.478, dated 29.09.2022. The respondent may issue fresh notice to the petitioner and to everybody else concerned and proceed further in manner known to law in accordance with the aforementioned Government Order. The said exercise must be completed within a period of twelve (12) weeks from the date on which the petitioner appears on issuance of notice. No costs.

18.04.2023

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

RM



W.P(MD)No.8763 of 2023

To
WEB COPY

The Thasildar
Eral Taluk Office,
Thoothukudi District.



WEB COPY



W.P(MD)No.8763 of 2023

C.V.KARTHIKEYAN, J.

RM

W.P(MD)No.8763 of 2023

18.04.2023