



W.P(MD)No.9775 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.9775 of 2023
and
W.M.P(MD)No.8614 of 2023

P.N.Ramaswamy

... Petitioner

Vs.

1.The District Collector
Kanyakumari District
at Nagercoil.

2.The Tahsildar
Agastheeswaram Taluk,
Kanyakumari District.

3.A.Chelladurai

... Respondents

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 the second respondent made in TNPACKKM079000021251



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and quash the same as devoid of merits and consequently direct the official respondent to issue legal heirs certificate to the petitioner based on the petitioner's application No.TN-7202303131049 dated 13.03.2023.

For Petitioner : Mr.Ananth C.Rajesh

For Respondents : Mr.N.Muthu Vijayan - for R1 & R2

Special Government Pleader

ORDER

The writ petition has been filed in the nature of a Certiorarified Mandamus seeking records of the second respondent / Tahsildar, Agatheeswaram Taluk, Kanyakumari District, in TNPACKKM079000021251 which is an application filed by the petitioner seeking legal heirship certificate and to quash the same and direct the said respondent to proceed in manner known to law.

2. The aforementioned application seeking legal heirship certificate was filed with respect to one Mrs.P.Nesapandiya Nadachi who died on 07.12.2015. An application was filed raising objections by the



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third respondent herein, who had married the said P.Nesapandiya Nadachi. But it is claimed that he got remarried to another lady and thereafter, the petitioner was looking after P.Nesapandiya Nadachi.

3. However, in the impugned order, the second respondent had rejected the application by a cryptic one line stating that it is rejected because objections have been received from the third respondent. The second respondent should have issued notice to the petitioner and to the third respondent and examined their respective credentials and thereafter, should have taken a decision. He must keep in mind that any decision can be taken forward in appeal before the appropriate authority and therefore, reasons should also be given.

4. In view of the same, even without issuing notice to the third respondent the order under question is set aside and the matter is remitted back to the second respondent to proceed further in manner known to law and in accordance with law and by issuing notice to the petitioner and to the objector / A.Chelladurai and then take a considered



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decision about grant or otherwise or legal heirship certificate. The entire exercise must be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above directions, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

25.04.2023

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

RM



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C.V.KARTHIKEYAN, J.

RM

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