



W.P.(MD)No.13319 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.03.2023

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THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.13319 of 2022

Muthusamy

... Petitioner

VS.

The Tahsildar,
Taluk Office, Alangulam Taluk, Tenkasi District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pursuant to the impugned order passed by the respondent on 02.05.2022 in Oo.Mu.No.A1/58/2022 and to quash the same and consequently, to direct the respondent to issue legal heir certificate of the petitioner's father Late Shamugam.

For Petitioner	:Mr.V.Muthuvelan
For R1	:Mr.N.Muthu Vijaya
	Special Government Pleader



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ORDER

This Writ Petition has been filed in the nature of Writ of Certiorarified Mandamus to set aside the order passed by the respondent/Tahsildar, Alangulam Taluk, Tenkasi District, dated 02.05.2022 in Oo.Mu.No.A1/58/2022 and to issue legal heirship certificate with respect to the father of the petitioner, Shanmugam, who died on 17.04.2021 at Tirunelveli.

2.Heard Mr.V.Muthuvelan, learned Counsel for the petitioner and Mr.N.Muthu Vijayan, learned Special Government Pleader for the respondent.

3.In the affidavit filed in support of this Writ Petition, it had been stated that the petitioner had been residing at Rajapalayam in Virudhunagar District for the past fifteen years. His mother died on 02.09.2010. Hence, he had applied for legal heirship certificate at Cholapuram Village in Rajapalayam Taluk. However, that application was rejected and the petitioner was directed to approach the respondent, namely, Tahsildar, Alangulam Taluk. Thereafter, the petitioner had



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applied for legal heirship certificate and the respondent had also issued legal heirship certificate on 21.03.2019. The petitioner's father Shanmugam then died on 17.04.2021. The petitioner had applied for legal heirship certificate. However, it was found that the father often went to Gudalur to work in the estate.

4.The application for legal heirship certificate was rejected by the respondent by an order, dated 02.05.2022, wherein, it had been stated that the father had two wives. The petitioner, however, disclaims all such knowledge and has filed the present Writ Petition.

5.The learned Special Government Pleader, however, pointed out the introduction of G.O.(Ms)No.478, Revenue and Disaster Management, on 29.09.2022, by the Government of Tamil Nadu, under which, legal heirship certificate can be applied for. The particular Government Order governs every situation.

6.Therefore, the order impugned in this Writ Petition is set aside with a direction to the petitioner to apply afresh for the legal heirship



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certificate taking use of the provisions of G.O.(Ms)No.478, Revenue and Disaster Management, on 29.09.2022. The respondent is directed to conduct necessary enquiry and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order/copy of application filed by the petitioner. The respondent may enquire not only the petitioner, but also any other person directly or indirectly connected with the father of the petitioner and then come to a considered decision with respect to the application of the petitioner seeking legal heirship certificate.

7.As directed above, this Writ Petition stands disposed of. No costs.

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

16.03.2023

cmr

To

The Tahsildar,
Taluk Office, Alangulam Taluk, Tenkasi District.

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C.V.KARTHIKEYAN, J.

cmr

Order made in
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16.03.2023