



W.P(MD)No.15872 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2023

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.15872 of 2022

and

W.M.P(MD)No.11445 of 2022

S.Marirajan

... Petitioner

Vs.

The Tahsildar
Rajapalayam Taluk
Taluk Office,
Rajapalayam,
Virudhunagar District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order proceeding dated 25.11.2021 passed in Application No.TN7202111251631 by the respondent and quash the same and consequently direct the respondent herein to issue legal Heirship Certificate of Late. Marithangathai to the name of the petitioner and his sister S.Anandhi.

For Petitioner : Mr.S.Mahalingam

For Respondent : Mr.N.Muthuvijayan
Special Government Pleader



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ORDER

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The writ petition has been filed in the nature of a certiorarified mandamus questioning an order of the respondent / Tahsildar, Rajapalayam Taluk at Virudhunagar District dated 25.11.2021 in application number TN7202111251631 and to quash the same. The petitioner is the son of Sakthivel and Chellathai. He also has a sister Ananthi. Owing to various circumstances, Chellathai had taken a conscious decision to move away from the family. It is claimed that customary divorce was granted and additionally she had also died. Sakthivel, then, had a registered marriage with Marithangathai who was a Government servant. In her service records, she recognized Sakthivel as the nominee. Sakathivel also died in the year 2007. Now the petitioner and his sister Ananthi seek to be recognized as legal heirs of Marithangathai.

2. The Government of Tamil Nadu had passed G.O.Ms.No.478 dated 22.9.2022 and a direction is given to the respondent to examine the provisions of the said Government order and act in accordance with the said Government order. In view of this particular direction, the impugned order is set aside and the matter is remitted back to the respondent herein. The petitioner may produce documents to show that he was the son of Sakthivel by producing his



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school certificate or any other such document. He may also produce the marriage certificate between Sakthivel and Marithangathai. If it is possible, he may also produce the service records of Marithangathai, where she had nominated Sakthivel as her nominee and on the perusal of all these documents, the respondent may take a considered decision about issuance of legal heirship certificate recognizing the petitioner and his sister as legal heirs of Marithangathai. Entire exercise must be completed within a period of 12 weeks from the date of receipt of a copy of this order.

3. This writ petition is disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

17.04.2023

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

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To

The Tahsildar
Rajapalayam Taluk
Taluk Office,
Rajapalayam,
Virudhunagar District.



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C.V.KARTHIKEYAN, J.

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