



W.P.(MD)No.15905 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.15905 of 2023

R.Muthu Kumar

... Petitioner

versus

1. The District Collector,
Madurai District,
Madurai.
2. The Revenue Divisional Officer,
Melur,
Madurai District.
3. The Tahsildar,
Madurai East Taluk,
Madurai District.
4. The Village Administrative Officer,
Pogaikaraipatti Village,
Madurai District.
5. G.Rajendran

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the 3rd respondent to issue legal heirship certificate of Vadivukarasi, W/o.Rajendran without insisting upon 5th respondent's consent, in view



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of representation dated 24.05.2023, within the stipulated time.

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For Petitioner : Mr.M.Jothi Basu
For R1 to R4 : Ms.D.Farjana Ghoushia,
Additional Government Pleader

ORDER

The petitioner claims that he is the son of the 5th respondent born through his second wife, namely, Vadivukarasi. After his birth, the 5th respondent deserted him and his mother. Thereafter, his mother alone has brought up him. According to him, she purchased a property in Plot No.4, Resurvey No.47/10, Pogaikaraipatti Village, Madurai North Taluk, Madurai, to an extent of 3 cents, out of her own income and in the month of April 2023, she died due to her health complications. After the death of his mother, he approached the 5th respondent to co-operate for getting a legal heirship certificate. Since the 5th respondent has refused to co-operate for the same, the petitioner has submitted an application on 09.05.2023 before the third respondent to issue a legal heirship certificate through on-line. However, the said application has been rejected on the ground that his father's name has not been



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included in the application. Thereafter, he made another representation dated 24.05.2023 to the 3rd respondent and filed this writ petition seeking a direction to the 3rd respondent to issue a legal heirship certificate of Vadivukarasi, W/o.Rajendran without insisting upon 5th respondent's consent, by considering his representation dated 24.05.2023.

2. The petitioner claims that he is the legal heir of the 5th respondent born through his second wife, namely, Vadivukarasi. His mother Vadivukarai as a single parent has brought up him and she also died on 20.4.2023. During her life time, she has purchased a property out of her own income. In order to deal with the property, he has given a representation to the 3rd respondent to provide him a legal heir certificate that he is the son of her mother Vadivukarasi, without insisting the consent of his father, G.Rajendran/5th respondent herein.

3. Admittedly, the petitioner's mother is the second wife of the 5th



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respondent. The petitioner, in order to deal with the property belonging to his mother, is in the need of the legal heir certificate as he is the legal heir of his mother Vadivukarasi, however, without insisting the consent of the 5th respondent. Since the 5th respondent is alive, a legal heir certificate cannot be issued to the petitioner without conducting any enquiry with the 5th respondent.

4. Therefore, the 3rd respondent shall conduct an enquiry with the 5th respondent and thereafter, issue a legal heir certificate to the petitioner, if he is eligible.

5. Accordingly, this writ petition is disposed of. No costs.

03.07.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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B.PUGALENDHI, J.

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