



W.P.(MD)No.20684 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 16.03.2023

CORAM

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

W.P.(MD)No.20684 of 2022

and

W.M.P.(MD)No.14998 of 2022

D.M.Sankara Pushpam

... Petitioner

vs.

The Tahsildar,
Thoothukudi Taluk,
Thoothukudi Disitric.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned rejection order passed by the respondent in Application No.TN720227111554 and to set aside the same and consequently, to direct the respondent to issue a legal heir certificate of the petitioner's deceased parents to the petitioner by considering the petitioner's application No.TN-72002207111554 within a time frame, as fixed by this Court.

For Petitioner :Mr.S.Balaji

For Respondent :Mr.J.Ashok

Additional Government Pleader



W.P.(MD)No.20684 of 2022

WEB COPY

ORDER

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with an order of the respondent/Tahsildar, in Application No.TN7200227111554, whereby, the respondent had refused to issue legal heirship certificate for the deceased parents of the petitioner.

2.Heard Mr.S.Balaji, learned Counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader for the respondent.

3.The petitioner is aged about 82 years. She had filed an application in Application No.TN720227111554 to the Tahsildar, dated 20.07.2022 seeking legal heirship certificate for her father and mother.

4.The petitioner had stated that her father was Late R.Theivendran and her mother was Thai @ Ponnammal. The father had died on 13.04.1955. It was not registered owing to lack of knowledge. The mother died on 13.02.2014 and the death certificate is available. The petitioner and her sister, Boopathyammal are the only legal heirs.



W.P.(MD)No.20684 of 2022

Boopathyammal had also died on 17.09.2015 and her death certificate is also available.

5.It is also stated that insofar as her father is concerned, he obtained pension from the Tamil Nadu Government and after his death, her mother, Thai @ Ponnammal was recognised and she had also been received family pension. Both the documents have been enclosed along with the Writ Petition.

6.Once the mother is receiving the family pension, it automatically means that the father is dead. The respondent should have come to that conclusion instead of driving a senior citizen to run from pillar to post seeking documents, which are available on the face of records. The petitioner herself is aged 82 years and by any stretch of imagination, her father should be more than 100 years, if the respondent is of the opinion that he is still alive.

7.The learned Additional Government Pleader stated that it would only be appropriate that an appeal is filed in accordance with G.O.



W.P.(MD)No.20684 of 2022

(Ms)No.478, Revenue and Disaster Management, on 29.09.2022.

WEB COPY

8.Let the petitioner file an appeal before the Revenue Divisional Officer only for the reason that she need not go back to the respondent again with the same documents. I am confident that the Revenue Divisional Officer would appreciate the fact that the mother of the petitioner was receiving family pension payable to the father of the petitioner and family pension can be received only after the death of the father of the petitioner, which itself would show that the father had died.

9.The Revenue Divisional Officer may examine all these documents and also take into consideration the extremely advanced age of the petitioner herein and proceed to do the needful. Whenever an appeal is filed, within a period of eight weeks from the date of filing of such appeal, the Appellate Authority should pass necessary orders. If ever there are any clarifications are required, notice may be issued to the petitioner and doubts may be clarified and then the legal heirship certificate may be issued, if otherwise the petitioner is entitled to the same.



W.P.(MD)No.20684 of 2022

WEB COPY 10.The Writ Petition stands disposed of. No costs. Consequently,
connected miscellaneous petition is closed.

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

16.03.2023

cmr

To

The Tahsildar,
Thoothukudi Taluk,
Thoothukudi Disitriect.



WEB COPY



W.P.(MD)No.20684 of 2022

C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.20684 of 2022

16.03.2023