



W.P.(MD).No.9081 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.9081 of 2014

P.K.Ramachandran

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai South Taluk,
Madurai.

3.The Commissioner,
Madurai Corporation,
Tallakulam,
Madurai – 625 002.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's application dated 18.09.2013 and to issue legal heirship certificate of petitioner's deceased sister P.K.Meenakshi and for other constitutional relief and thus render justice.



W.P.(MD).No.9081 of 2014

For Petitioner : Mr.V.Raghavachari
For R-1 and R-2 : Mr.M.Prakash,
Additional Government Pleader.
For R-3 : Mr.T.S.Mohamed Mohideen

ORDER

The Writ Petition has been filed seeking for a Mandamus directing the second respondent to consider the petitioner's application dated 18.09.2013 and to issue legal heir certificate of the petitioner's deceased sister, P.K.Meenakshi.

2. Mr.V.Raghavachari, learned counsel for the petitioner would submit that the petitioner's elder sister, P.K.Meenakshi, died intestate on 18.07.2013. The said deceased P.K.Meenakshi is the eldest daughter of her father and mother, late P.S.Krishna Iyer and late Subhalakshmi. Both of them had predeceased the deceased P.K.Meenakshi. P.K.Meenakshi, P.K.Visalakshi, P.K.Parvathi, P.K.Venkat Ramanan, P.K.Sundaram and P.K.Ramachandran (the petitioner herein) were the children of late P.S.Krishna Iyer and late Subhalakshmi. Since his sister P.K.Meenakshi died intestate, the petitioner had approached the Tahsildar/second respondent herein for grant of legal heir certificate. By communication dated 23.09.2013, the Tahsildar, without passing



W.P.(MD).No.9081 of 2014

any orders on the application of the petitioner, had directed the petitioner to approach the Civil Court. Hence, the petitioner has approached this Court seeking for a direction to the second respondent to issue the legal heir certificate.

3. Mr.M.Prakash, learned Additional Government Pleader appearing for the first and second respondents would submit that the petitioner's application for grant of legal heir certificate has been rejected by the second respondent by his order dated 23.09.2013 and therefore, he had directed the petitioner to approach the Civil Court. He would submit that a direction to the petitioner to approach the Civil Court on an application before the second respondent to grant the legal heir certificate for the deceased P.K.Meenakshi, has been issued since the Tahsildar had no authority to grant a legal heir certificate for Class II legal heir. He had also brought to the notice of this Court, the recent Government Order in G.O(Ms)No.478, Revenue and Disaster Management, Revenue Administration Wing, RA-3(2) Section dated 29.09.2022. He would submit that pursuant to the decision of the Full Bench of this Court in a batch of Writ Petitions in W.P.No.25247 of 2021 and batch etc., dated 12.08.2022, the Government had issued a Government Order, wherein, the power to issue a



W.P.(MD).No.9081 of 2014

legal heir certificate by the Tahsildar concerned even to a Class II legal heir was made and further appellate and revisional authority have also been appointed. In view of the aforesaid Government Order, it is always open to the petitioner to approach the second respondent afresh for redressing his grievance.

4. I have carefully considered the rival submissions made on either side.

5. The communication of the Tahsildar dated 23.09.2013 directing the petitioner to approach the Civil Court for the reason that there was no direct legal heirs of the deceased P.K.Meenakshi, in my view, itself would be an order rejecting the case of the petitioner. This has not been challenged. However, in view of the change in circumstances, namely, the issuance of the Government Order in G.O(Ms)No.478 Revenue and Disaster Management, Revenue Administration Wing, RA-3(2) Section dated 29.09.2022, the petitioner will be at liberty to approach the Tahsildar/second respondent seeking for a legal heir certificate on the strength of the aforesaid Government Order within a period of two (2) weeks from the date of receipt of a copy of this order. The second respondent shall thereafter consider the case of the petitioner and pass



W.P.(MD).No.9081 of 2014

appropriate orders on merits and in accordance with law within a period of twelve (12) weeks, after affording a reasonable opportunity to the petitioner as well as the concerned persons.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

09.01.2023

Index : Yes / No
Internet : Yes/ No
Lm

To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Tahsildar,
Madurai South Taluk,
Madurai.
- 3.The Commissioner,
Madurai Corporation,
Tallakulam,
Madurai – 625 002.



WEB COPY



W.P.(MD).No.9081 of 2014

K.KUMARESH BABU, J.

Lm

W.P.(MD).No.9081 of 2014

09.01.2023