



W.P(MD)No.20488 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.20488 of 2023

1.S.Jayalakshmi
2.Harilakshmi

... Petitioners

Vs

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Tirunelveli,
Tirunelveli District.

3.The Tahsildar,
Ambasamuthriram Taluk,
Tirunelveli District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to issue the legal heirship certificate in favour of S.Jeyalakshmi, first petitioner and S.Harilakshmi, second petitioner as legal heirs of Late M.Sekar within a time frame stipulated by this Court.



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For Petitioner : Mr.M.Suri
For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

The petitioners are claiming to be the legal heirs of one Sekar has filed an application for issuance of a legal heir certificate and also filed this writ petition for a Mandamus, directing the respondents to issue a legal heir certificate within a reasonable time.

2.The learned counsel appearing for the petitioners submits that the first petitioner, namely Jayalakshmi is the wife of one Sekar and the second petitioner, namely Harilakshmi is their adoptive daughter. The said Sekar died on 15.03.2023. Hence, the petitioners have applied for a legal heir certificate. However, the same was rejected by the Tahsildar, Ambasamudram on 10.05.2023 that the petitioners have not enclosed any documents to substantiate that the second petitioner is the adoptive daughter of the said Sekar. Thereafter, the petitioners have submitted a fresh application on



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16.06.2023 along with the required documents, such as, Adoptive Document, Transfer Certificate, Aadhar Card, Ration Card etc., before the Tahsildar. Even after the submission of the required documents, the petitioners' application has not been considered. Hence, the petitioners are before this Court.

3.Mr.M.Sarangan, learned Additional Government Pleader, who takes notice for the respondents submits that the original application has been filed by the petitioners without any documents and hence, the same was rejected by the Tahsildar on 10.05.2023. As against the order passed by the Tahsildar, the petitioner is having an appeal remedy before the Revenue Divisional Officer, Ambasamudram.

4.This Court considered the rival submissions made and also perused the materials placed on record.



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5.The petitioner's earlier application for issuance of legal heir certificate appears to have been returned by the Tahsildar, Ambasamudram on 10.05.2023 that the application has been filed without enclosing the required documents. By the same communication, the Tahsildar has directed the petitioner to submit an application afresh along with all the required documents through online. Therefore, the communication sent by the Tahsildar cannot be treated that the Tahsildar has applied his mind and rejected the petitioners' application that they are not entitled for legal heir certificate. Now, the petitioners claim that they have submitted the application once again through online along with all the required documents on 16.06.2023 and the same has to be considered by the respondents.

6.In view of the above, this writ petition is disposed of with a direction to the third respondent/Tahsildar, Ambasamudram to consider the application submitted by the petitioners through online on 16.06.2023 and pass necessary orders in accordance with law



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within a period of four weeks from the date of receipt of a copy of this order. No costs.

23.08.2023
(2/2)

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

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Tirunelveli,
Tirunelveli District.
- 3.The Tahsildar,
Ambasamuthriram Taluk,
Tirunelveli District.



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B.PUGALENDHI, J.

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