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W.P.(MD)NO.9389 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9389 of 2015 AND
M.P.(MD)No.1 of 2015

P.Moorthi

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 20.03.2015 in O.Mu.A2.4073/2015 passed by the second respondent and quash the same as illegal and consequently directing the second respondent to issue legal heir certificate by taking into account the petitioner's representation dated 09.04.2015.

For Petitioner : Mr.R.Venkatesan

For Respondents: Mr.S.Shanmugavel,
Additional Government Pleader.

* * *

**ORDER**

Heard both sides.

2. The petitioner submitted an application dated 06.01.2015 for issuance of legal heir certificate.

3. According to him, his grand father Ramanatha Pillai and grand mother Mariyammal are no more. The said couple had two legal heirs. One of them was Ponnusamy Pillai. The petitioner claims to be his son. The petitioner seeks legal heir certificate for his grand mother Mariyammal. The petitioner's request was negatived on the ground that the petitioner was not found to be residing in Keezhkudi Village. The rejection order is put to challenge in this writ petition.

4. The reason set out in the impugned order cannot be accepted. It is not necessary that the applicant should reside in the very same native village. For the employment purposes, he can go to some other place. The reason is not relevant.



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5. The order impugned in this writ petition is set aside. The petitioner is permitted to apply afresh through online mode before the second respondent. If due to technical reasons, the online application is not accepted, the petitioner can approach the second respondent in person and submit his application in person. The second respondent shall accept even if the application is manually submitted. The second respondent shall hold an enquiry and pass final order on merits and in accordance with law within a period of eight weeks thereafter. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

29.08.2023

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

PMU

To:

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Tahsildar,
Aruppukottai Taluk,



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Virudhunagar District.

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G.R.SWAMINATHAN,J.

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