



W.P.(MD)No.20530 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.20530 of 2023

M.Kripavathi

... Petitioner

versus

1. The Principal Secretary to Government,
Revenue and Disaster,
Management Department,
Revenue Administrative Wing,
RA-3(1) Section, Secretariat,
Chennai – 600 009.

2. The District Collector,
District Collector Office,
Madurai.

3. The Tahsildar,
Tahsildar Office,
Madurai West Taluk,
Theni Main Road,
Madurai District.

... 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 consider the petitioner's representation dated 17.07.2023



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in light of guideline issued by the 1st respondent in 'Guidelines and of procedure for issuance of Legal Heir Certificate' was issued by the 1st respondent in Letter No.9633/RA-3(2)/2022-4, dated 28.09.2022 and consequently, direct the 3rd respondent to issue the legal heir certificate of the petitioner's deceased brother Alex Yesudas within a stipulated period of time.

For Petitioner : Mr.R.Senthil Kumar

For Respondents : Ms.D.Farjana Ghoushia,
Special Government Pleader

ORDER

The petitioner is the Guardian of her brother's daughter minor Angel. After the death of her brother and his wife, she is taking care of minor Angel. For getting the benefits, such as, pension, accident claim, insurance claim and death benefits, she has submitted a representation dated 17.07.2023 to the third respondent for issuance of legal heir certificate of her brother Alex Yesudas. Since the said representation has not been considered, the present writ petition has been filed.



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2. The learned counsel for the petitioner, by referring to the guidelines issued by the Government, submits that in case, no adult legal heir is surviving, a minor legal heir can apply for legal heir certificate through his/her guardian or through brother or sister of the deceased person. Therefore, the minor Angle is entitled for legal heir certificate through her guardian, the petitioner herein. However, the petitioner's application has not been considered by the third respondent.

3. Ms.D.Farjana Ghoushia, learned Special Government Pleader, who takes notice for the respondents, on written instructions, submits that as per the guidelines, the petitioner ought to have submitted an application through on-line. But, the petitioner has not submitted the application through on-line.

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



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5. The Government has issued certain guidelines to the revenue officials for issuing legal heir certificate. The petitioner claims that both the parents of minor Angel died and she is the guardian of minor Angel.

6. Therefore, this writ petition is allowed with a direction to the petitioner to submit an application through on-line to the third respondent, within a period of two weeks from the date of receipt of a copy of this order. In the event any such application is received through on-line, the 3rd respondent shall consider and pass necessary orders after ascertaining the fact within a period of four weeks from thereon. No costs.

23.08.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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B.PUGALENDHI, J.

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