



W.P.(MD) No.5673 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.04.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.5673 of 2016

Veeranan (died)

1.A.V.Lakshmipriya

2.Agnikumar

(Cause-title amended by order
dated 12.04.2023 in

W.M.P(MD) No.7304 of 2023)

... Petitioners

Vs.

1. The District Collector,
Madurai District, Madurai.

2. The Tahsildar,
Usilampatty Taluk, Usilampatty, Madurai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, by calling for the records relating to the impugned order of the 2nd respondent dated 13.01.2016 in Na.ka.No.7801/15/A4, quash the same and direct the 2nd respondent to issue legal heir certificate to the petitioner as per the judgement and decree dated 27.02.2015 passed by the District Munsif cum



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Judicial Magistrate No.1, Usilampatty in O.S.No.261 of 2014.

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For Petitioners : Mr.D.Malaichamy
For Respondents : Mr.C.Baskaran,
Government Advocate

ORDER

The original petitioner had challenged an order dated 13.01.2016 of the second respondent by which he was directed to obtain a declaration from a civil court to the effect that he is the legal heir of his deceased parents. The original petitioner stated that his father and mother died on 21.07.1973 and 16.05.2007, respectively. Since they owned house property and landed property, for purposes of obtaining mutation of the revenue records, the original petitioner had applied to the second respondent for grant of legal heirship certificate on 13.06.2014. The said request was rejected by the second respondent on 26.06.2014 on the ground that the death had occurred more than seven years prior thereto. Thereafter, the original petitioner and his siblings Paraman and Raman filed O.S.No.261 of 2014 before the District Munsif cum Judicial Magistrate No.1, Usilampatty,



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seeking a declaration that they are the legal heirs of the late Agniveera Thevar and Nallammal @ Nallakkal. An *ex-parte* decree as prayed for, was issued on 27.02.2015. Based on such decree, a representation was issued to the respondent requesting for a legal heirship certificate. The said request was rejected by the impugned order. Hence, this writ petition.

2. On instructions, learned Government Advocate appearing for the respondents submits that the jurisdictional Tahsildar is willing to consider a fresh representation from the current petitioners, who are the legal heirs of the original petitioner, provided all relevant documents are annexed thereto.

3. In view of the above submission of learned Government Advocate, W.P.(MD) No.5673 of 2016 is disposed of by directing the second respondent to consider the fresh representation from the current petitioners and dispose of such representation on merits after providing a reasonable opportunity to all interested parties, including the siblings of Veeranan, within a period of four weeks from the date of receipt of such



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fresh representation. The current petitioners are directed to submit such fresh representation within a maximum period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

12.04.2023
(2/2)

NCC :No
Internet :Yes
Index :No
PKN

To

1. The District Collector,
Madurai District, Madurai.
2. The Tahsildar,
Usilampatty Taluk, Usilampatty, Madurai.



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SENTHILKUMAR RAMAMOORTHY, J.

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