



W.P(MD)No.24963 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.24963 of 2022

P.Shanthakumar

... Petitioner

Vs.

The Tahsildar
Taluk Office,
Sankarankovil
Thenkasi District.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the respondent in his proceedings in மு.மு.அ.3/305/2022 dated 12.09.2022 and quash the same and consequently direct the respondent to issue Legal Heir Certificate to the petitioner.



W.P(MD)No.24963 of 2022

For Petitioner : M/s.CR.Ponnuthai

For Respondent : Mrs.D.Farjana Ghoushia

Special Government Pleader

ORDER

The writ petition has been filed in the nature of a Certiorarified Mandamus seeking interference with an order passed by the respondent / Tahsildar, Sankarankovil, Tenkasi District, which is dated 12.09.2022 in மு.மு.அ3/305/2022.

2. The petitioner is the son of Premkumar. His father had married the mother of the petitioner, Ramalakshmi. Apart from the petitioner, there were two other children namely, his brother Saravanakumar and sister Mareeswari. After the death of his mother, the father Premkumar married Muthulakshmi. There was a son who was born called Mohankumar. The petitioner had applied for legal heirship certificate consequent to the death of his father Premkumar. But this was rejected by the respondent herein. The said order is bereft of reasons and is set aside. The petitioner as the son of Premkumar is entitled to be



W.P(MD)No.24963 of 2022

recognized as a legal heir. Apart from him, his brother Saravanakumar and sister Mareeswari have also that right to be recognized as legal heir. Quite apart from that, the other brother Mohankumar who was born to the second wife of his father is also entitled to be recognized. The second wife Muthulakshmi whom the father married after the death of the first wife has also right to be recognized as legal heir of the Premkumar.

3. In view of all these reasons, the order is set aside. The matter is remitted back to the respondent for fresh consideration in accordance with the reasons given above. The respondent may taking into consideration G.O.Ms.No.478 dated 29.09.2022 which had been specifically issued by the Government for issues like this.

4. A direction is given to the respondent to issue notice to the petitioner and all the aforementioned individuals, examine their credentials and issue legal heirship certificate on or before 30.06.2023. The petitioner may also file a fresh application which application should be filed on or before 10.05.2023 and also pay necessary charges. The application should be filed through online in accordance with the rules.



W.P(MD)No.24963 of 2022

WEB COPY

5. With the above directions, the Writ Petition stands disposed of. No costs.

27.04.2023

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

RM

To

The Tahsildar
Taluk Office,
Sankarankovil
Thenkasi District.



WEB COPY



W.P(MD)No.24963 of 2022

C.V.KARTHIKEYAN, J.

RM

W.P(MD)No.24963 of 2022

27.04.2023