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W.P.(MD)NO.27772 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.27772 of 2022
and
W.M.P.(MD)No.21853 of 2022

Veeramuthu

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Madurai District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Madurai District.
- 3.The Tahsildar,
Madurai North Tahsildar Office,
Madurai District.
- 4.Sethuraman
- 5.Deivajothi
- 6.Annalakshmi

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire relevant records of the impugned order passed by the third respondent,



vide legal heir Certificate No.TN-7202206141226, dated 04.07.2022, and set aside the same as illegal and consequently remand back to the third respondent for proper consideration with the petitioner name as one of the legal heir of deceased namely "Vasuki" as per law based on the petitioner's representation on 24.11.2022, within a stipulated time.

For Petitioner : Mr.R.Senthilkumar
For R1 to R3 : Mr.G.Suriyananth
Additional Government Pleader.
For R4 to R6 : Dispense with

ORDER

Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the first respondent and the learned Government Advocate for the second respondent.

2. Though the private respondents have been served and their names are printed in the cause list, they have not chosen to enter appearance.

3.The petitioner questions the issuance of the impugned legal heirship certificate. One Vasuki, wife of the fourth respondent herein, passed away. The petitioner is her son. However, the legal heirship certificate has been obtained by excluding the petitioner. The petitioner



would further state that he was not put on notice before the legal heirship certificate was issued.

4.In this view of the manner, the legal heirship certificate impugned in this writ petition is quashed. The matter is remitted to the file of the third respondent. The third respondent is directed to issue notice to the private respondents as well as the writ petitioner and to conduct a fresh enquiry. The petitioner has to establish that he is the son of the deceased Vasuki. If the petitioner establishes the same, his name will also be included in the legal heirship certificate. The entire exercise shall be done within a period of twelve weeks from the date of receipt of a copy of this order.

5.Accordingly, this Writ Petition is allowed. Consequently, connected miscellaneous petition stands closed. No costs.

06.01.2023

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

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G.R.SWAMINATHAN,J.

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To:

- 1.The District Collector, District Collector Office, Madurai District.
- 2.The Revenue Divisional Officer, Revenue Divisional Office,
Madurai District.
- 3.The Tahsildar, Madurai North Tahsildar Office, Madurai District.

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