



W.P(MD)No.28020 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28020 of 2022

and

W.M.P(MD)No.22096 of 2022

A.Muthukumar

... Petitioner

Vs

1.The Tahsildar,
Devakottai Taluk,
Devakottai,
Sivagangai District.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the first respondent dated 31.03.2022 made in application No. TN-7202203292812 and quash the same and consequently direct the first respondent to issue Legal Heirship Certificate in favour of the petitioner by recognizing the petitioner as Class II Legal Heir.



For Petitioner : Mr.R.Murali
For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner claims that he is the nephew of one Velayutham Pillai. The said Velayutham Pillai passed away on 15.12.1999. The petitioner claims that his father Ethirmunia Singam was his brother and his father also passed away in the year 2012. When the petitioner approached the respondents for issuance of legal heir certificate, it was rejected on the ground that the deceased Velayutham Pillai died a bachelor. This cannot be a ground for rejecting the request for issuing legal heir certificate. Even a class II legal heir is entitled to such certificate.

3.At this stage the learned counsel appearing for the petitioner produced a copy of the certificate issued by the authorities recently. The said certificate contains only a list of predeceased legal heirs. I must appreciate the sense of humor exhibited by the first respondent. Issuing the certificate containing predeceased legal heirs does not in any way meet the demand of the writ petitioner.



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4. In this view of the matter, the order impugned in this writ petition is quashed. The matter is remitted to the file of the first respondent. The first respondent has to satisfy himself that the petitioner is a class II legal heir. If the first respondent is satisfied, he shall issue the legal heir certificate as prayed for. This enquiry and exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

20.01.2023

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

To

1. The Tahsildar,
Devakottai Taluk,
Devakottai,
Sivagangai District.

2. The Revenue Divisional Officer,
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G.R.SWAMINATHAN, J.

MGA

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