



W.P(MD)No.28225 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.28225 of 2022

and

W.M.P(MD)No.22299 of 2022

Kandasamy

... Petitioner

Vs.

The Tahsildhar
Peraiyur Taluk,
Peraiyur,
Madurai District.

... Respondent

PRAYER : Writ Petition is 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 Impugned Rejection order Transaction Reference Number TNCIT000000007654851 in application TN-7202211093448 and quash the same as illegal and consequently direct the respondent to issue legal heir certificate to the petitioner.



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For Petitioner : Mr.R.Balamuruganantham

For Respondent : Mr.D.S.Nedunchezian
Government Advocate

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking interference with an order of the respondent /Tahsildar, Peraiyur Taluk, Madurai District, whereby, the said Tahsildar had taken a stand that the legal heirship certificate pertaining to the sister of the petitioner herein cannot be granted to the petitioner since according to the respondent, the sister had married and also has children.

2. It is the contention of the petitioner that the sister had not married at all.

3. This is an issue on fact which can never be determined and the proper procedure would to approach the civil Court. The



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Tahsildar should have also stated that necessary declaration in this regard should be obtained from the civil Court.

4. The issue is whether the sister of the petitioner had married or not married, can be determined only if the Tahsildar issues notice to her supposed husband and determines that particular fact.

5. The impugned order is, therefore, set aside and in the first instance, let the respondent once again conduct an enquiry on whether the sister of the petitioner had married or not married. The petitioner may disclose the list of the legal heirs according to him and the Tahsildar may, if the sister is married, issue notice to the husband and examine him and obtain details of the marriage. If that could not be done then the proper procedure would be to approach the civil Court. The entire exercise may be completed by the respondent within a period of eight weeks from the date of receipt of a copy of this order.



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6. With the above directions, the Writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

05.06.2023

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

RM



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To
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The Tahsildhar
Peraiyur Taluk,
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C.V.KARTHIKEYAN, J.

RM

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