



W.P(MD)No.28621 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28621 of 2022

and

W.M.P(MD).Nos.22650 and 22651 of 2022

M.Eswari

... Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The Tahsildar,
Bodinayakanur Taluk,
Bodinayakanur,
Theni District.

3.Muthuraj

4.Santhi

5.Seenivasakaperumal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned legal heir certificate made in g.K.vz;. 3161/2022/m dated 01.08.2022 issued by the second respondent and quash the same consequently direct the second respondent to issue the fresh legal heir certificate along with the name of the petitioner.



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For Petitioner : Mr.M.Kaliraj
For Respondents : Mr.A.K.Manikkam (for R1 & R2)
Special Government Pleader
No appearance (for R3 to R5)

ORDER

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the respondents 1 and 2. Eventhough the private respondents have been served and then names are printed in the cause list, they have not chosen to enter appearance.

2. One Manivasakan passed away on 24.07.2016. The petitioner claims that she is the daughter born to Manivasakan through his first wife, Umapathi. After her demise, Manivasakan got married to one Santhi, fourth respondent herein. Through his first wife not only the petitioner, but the third respondent Muthuraj were born. Through his second wife, fifth respondent was born. The grievance of the petitioner is that by excluding her, the private respondents colluded among themselves and got a decree and also the impugned Legal Heirship Certificate. The petitioner was not made a party to the suit filed by the private respondents.



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3. In these circumstances, the Legal Heirship Certificate impugned in this writ petition is quashed and the Writ Petition is allowed. The second respondent shall hold a fresh enquiry. Notice will be issued not only to the petitioner but also to the private respondents. Thereafter, an order on merits and in accordance with law will be passed. No costs. Consequently, connected Miscellaneous Petitions are closed.

24.01.2023

NCC : Yes / No
Index : Yes / No
Rmk

To

1.The District Collector,
Theni District, Theni.

2.The Tahsildar,
Bodinayakanur Taluk,
Bodinayakanur,
Theni District.



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G.R.SWAMINATHAN, J.,

Rmk

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