



W.P.No.3133 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.3133 of 2022

C.Subramanian

...Petitioner

-Vs -

1. The Thasildar,
Taluk Office,
Kunnam Taluk,
Perambalur District.

2. P.Natarajan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to an impugned order passed by the first respondent bearing Na.Ka.A6/4748/2021 dated 19.11.2021 and quash the same and consequently by directing the first respondent to issue legal heir ship certificate to the petitioner.

For Petitioner : Mr.N.Ponraj

For Respondents

For R1 : Mr.E.Vijay Anand

Additional Government Pleader

For R2 : No appearance



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ORDER

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This writ petition has been filed challenging the order passed by the first respondent dated 19.11.2021, thereby directed the petitioner to approach civil Court to get legal heir certificate of his deceased father.

2. The petitioner's father one Chidambara Udayar died on 02.01.1984 leaving behind the petitioner, his mother, his brother Patchamuthu and his sister. The petitioner's mother also died on 22.09.1999. In order to get legal heir ship certificate, the petitioner applied through online before the first respondent and paid necessary fees on 24.08.2021. On receipt of the said application, Revenue Inspector conducted spot enquiry and on inspection found that, the petitioner's father Chidambara Udayar died on 02.01.1984 and the petitioner's mother died on 22.09.1999. Both died leaving behind one Karuppudaiyar, Pachamuthu, Subramani viz., the petitioner herein, Natarajan viz., the second respondent herein, Karuppayee and Thangammal. The petitioner's brother viz., Pachamuthu died on 09.09.2013. Further the petitioner failed to submit the legal heir certificate of the said Pachamuthu due to the dispute between the petitioner and his son viz., Natarajan. Therefore, the petitioner was directed to apply for legal heir certificate before the civil



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Court. Hence, the petitioner filed the present writ petition with the above prayer.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. On perusal of records revealed that the petitioner requested for legal heir certificate of his father. Further, the petitioner produced his brother's death certificate. Even then, the first respondent directed the petitioner to produce legal heir certificate of his brother. The death certificate or legal heir certificate of the petitioner's brother nothing to do with the application seeking legal heir certificate of the petitioner's father. That apart, the civil Court has no jurisdiction to issue legal heir certificate and the authority concerned is the first respondent herein for issuance of legal heir certificate. Therefore, the impugned order cannot be sustained and the same is liable to be dismissed.

5. Accordingly, the impugned order dated 19.11.2021, by the first respondent bearing Na.Ka.A6/4748/2021, is hereby quashed. The first respondent is directed to issue legal heir certificate to the petitioner



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on the demise of his father within a period of two weeks from the date of receipt of a copy of this Order.

6. With the above directions, the Writ Petition stands allowed.

There shall be no orders as to costs.

03.06.2024

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

rts



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To

1. The Thasildar,
Taluk Office,
Kunnam Taluk,
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G.K.ILANTHIRAIYAN. J,

rts

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