



W.P.No.11321 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11321 of 2021

And

W.M.P.No.11962 of 2021

S.Anbumani

... Petitioner

Vs.

The Thasildar
Taluk Office
Pennagaram
Dharmapuri District.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the respondent dated 04.09.2020 in O.Mu.1872/2020/A3 dated 03.08.2020 and quash the same and consequentially issue direction directing the respondent to issue legal heirship certificate by considering the petitioner application dated 04.06.2020.

For Petitioner : Mr.B.Vijayakarthikeyan
For Respondent : Mr.U.Baranidharan
Additional Government Pleader



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ORDER

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The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the respondent dated 04.09.2020 in O.Mu.1872/2020/A3 dated 03.08.2020 and quash the same and consequentially issue direction directing the respondent to issue legal heirship certificate by considering the petitioner application dated 04.06.2020.

2.The learned counsel appearing for the petitioner submitted that the petitioner applied for class II legal heirship certificate and the said application was rejected by the respondent on the ground that the respondent have no power to issue class II legal heirship certificate.

3.The learned counsel appearing for the petitioner further submitted that the Hon'ble Bench of this Court consisting of Three Judges in the order dated 17.06.2022 made in W.P.Nos.25247 of 2021 etc., batch held that the legal heirship certificate is nothing more than a relationship certificate reflecting the opinion of the Tahsildar as to the relationship of the applicant and others named



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therein with the

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deceased and that it does not affect the legal right of any party, pursuant to which, the Government passed G.O.(Ms.) No.478, Revenue and Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 29.09.2022, conferring power to the Tahsildar to issue class II legal heirship certificate and also passed G.O.(Ms.) No.110, Revenue and Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 13.03.2024, regarding amendment to guidelines and procedures for issuance of legal heirship certificate.

4.Considering the submission made by the learned counsel appearing for the petitioner, this Court set aside the impugned order and remand the matter back to the respondent. The respondent is directed to decide the issue in terms of G.O.(Ms.) No.478, Revenue and Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 29.09.2022 and G.O.(Ms.) No.110, Revenue and Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 13.03.2024, within a period of six weeks from the date of receipt of a copy of this order.



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M.DHANDAPANI,J.
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5.This writ petition is accordingly disposed of. No costs.
Consequently, the connected miscellaneous petition is closed.

20.09.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

The Thasildar
Taluk Office
Pennagaram
Dharmapuri District.

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And
W.M.P.No.11962 of 2021

20.09.2024