



W.P.No.27890 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.27890 of 2024
and W.M.P.No.30416 of 2024**

Mathijayanthi

... Petitioner

Vs.

The Thasildhar,
Thiruporur Taluk Office,
Thiruporur,
Chengalpattu District.

....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned Notice (Application No.TN-7202102102236) dated 10.02.2021 passed by the respondent pertaining to the application for issuance of Legal Heir Certificate and direct the respondent to conduct proper enquiry in accordance with law for issuing the Legal Heir Certificate to the petitioner as per the Hindu Succession Act.



WEB COPY



W.P.No.27890 of 2024

For Petitioner : Mr.V.Sivalingam
For Respondent : Mr.R.Neelakandan
Additional Advocate General
assisted by
Mr.U.Baranidharan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned Notice (Application No.TN-7202102102236) dated 10.02.2021 issued by the respondent pertaining to the application for issuance of Legal Heir Certificate and for a direction to the respondent to conduct proper enquiry in accordance with law for issuing the Legal Heir Certificate to the petitioner as per the Hindu Succession Act.

2. The case of the petitioner is that the petitioner is the first wife of late.Ramalingam, who died on 24.10.2020 and thereafter, she made an application for issuance of Legal Heir Certificate and the said application was rejected, based on the report of the Village Administrative Officer,



W.P.No.27890 of 2024

WEB COPY

Revenue Inspector and the Deputy Tahsildar and on verification, it was found that the second wife of late.Ramalingam made an objection for issuance of Legal Heir Certificate in favour of the petitioner, based on which, the application made by the petitioner was rejected. Challenging the same, the present writ petition has been filed.

3. The learned Additional Advocate General assisted by the learned Additional Government Pleader appearing for the respondent submits that the Legal Heir Certificate will be issued to the eligible person within a reasonable time fixed by this Court.

4. It appears from the submissions made by the learned counsel appearing for the petitioner that the respondent, without conducting proper enquiry and verifying the genuineness of the application, has simply rejected the application made by the petitioner, who is the first wife of Late.Ramalingam, for issuance of Legal Heir Certificate, based on the objection made by the second wife of Late.Ramalingam, which is



W.P.No.27890 of 2024

unjustifiable. Hence, the impugned notice dated 10.02.2021 issued by the respondent is set aside and the matter is remanded back to the respondent for fresh consideration. After conducting proper enquiry on the application made by the petitioner, the respondent is directed to issue a Legal Heir Certificate to the eligible person of the deceased Ramalingam, as expeditiously as possible.

5. Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Connected miscellaneous petition is closed.

24.09.2024

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



W.P.No.27890 of 2024

To
The Thasildhar,
Thiruporur Taluk Office,
Thiruporur,
Chengalpattu District.



WEB COPY



W.P.No.27890 of 2024

M.DHANDAPANI, J.

ssb

W.P.No.27890 of 2024

24.09.2024