



W.P(MD)No.1834 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.1834 of 2021

and

W.M.P(MD)Nos.1568 and 1570 of 2021

Yasmin Begum

... Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The Sub-Collector,
O/o.The Sub Collector,
Periyakulam,
Theni District.

3.The Tahsildar,
Periyakulam Taluk,
Theni District.

4.Balgeesh Beevi

5.Fathima

6.Sarammal

7.Sheik Abdullah

8.Akbar

1/6



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9.Thansila Banu

... Respondents

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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 issued by the third respondent in No.427/2012/A3, dated 28.09.2012 and the impugned order passed by the second respondent in O.Mu. No.5516/2020/A2, dated 01.12.2020 and quash the same as illegal and consequently, direct the respondents 1 to 3 to issue legal heir certificate of the petitioner's father namely Muthu Meera Rowther by including the name of the petitioner as a legal heir.

For Petitioner : Mr.K.Navaneetharaja

For Respondents : Mr.M.Prakash,
Additional Government Pleader, for R1 to R3.

: M/s.A.P.Yazhini,
for Mr.R.Shankar Ganesh, for R7

: No Appearance, for R4 to R6, R8 and R9.

ORDER

The Writ Petition is directed against the order passed by the second respondent dated 01.12.2020, rejecting the requisition of the petitioner on the ground that he has not approached the authority within one year from the date of receipt of the order passed by the third respondent.



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2. The learned counsel appearing for the petitioner would submit that the petitioner is the daughter of the deceased Muthu Meera Rowther and that the respondents 4 to 8 are also sons and daughters of the said Muthu Meera Rowther; that the third respondent while issuing the legal heir certificate for the reasons best known to him has not included the petitioner's name and that he has preferred the appeal before the competent authority and the same came to be rejected.

3. When the matter is taken up for hearing today, the learned counsel appearing for the private respondents would submit that the petitioner is also the legal heir of the deceased Muthu Meera Rowther and that they have no objections for the third respondent to pass fresh orders.

4. The learned Additional Government Pleader appearing for the State would submit that the third respondent may be directed to conduct an enquiry after issuing notice to all legal heirs and to pass orders within time stipulated by this Court.



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5. Since the private respondents have admitted that the petitioner is also the daughter of Muthu Meera Rowther, this Court is at loss to understand as to why the name of the petitioner has been deleted.

6. Considering the facts and circumstances of the case, the petitioner is directed to give fresh representation to the third respondent and the third respondent is directed to decide the issue after giving notice to all the parties concerned and pass order within a period of four weeks from the date of receipt of the petition/representation.

7. With the above direction, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

10.04.2024

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



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To

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O/o.The Sub Collector,
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Theni District.
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K.MURALI SHANKAR, J

DAS

Order made in
W.P(MD)No.1834 of 2021
and
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Dated : 10.04.2024