



W.P(MD)No.1946 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.1946 of 2021
and
W.M.P.(MD)No.1667 of 2021

S.Subramani

... Petitioner

Vs.

1. The District Collector,
Madurai District.
2. The Tahsildar,
Thiruparam Kuntam Taluk,
Madurai,
Madurai District.

... 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 relating to the impugned order in O.Mu.No. 3599/2019/F-1 dated 16.08.2019 issued by the second respondent and quash the same as illegal and further direct the second respondent to issue a legal heir certificate to the petitioner.

For Petitioner : Mr.V.M.Balamohan Thampi

For Respondents : M/s.K.Christy Theboral
Additional Government Pleader



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ORDER

The Writ Petition is directed against the order passed by the second respondent dated 16.08.2019 rejecting the claim of issuance of legal heir certificate of the deceased Nagapandian.

2. The learned counsel appearing for the writ petitioner would submit that the writ petitioner, his brother Nagapandian and sister Kaleeshwari are the children of Santhanakrishnan and Meenakshi, that his mother died on 22.09.1993 and his father died on 28.01.1995, that his brother Nagapandian had also died on 25.05.2018 leaving behind the writ petitioner and sister Kaleeshwari as Class II legal heirs and that the writ petitioner has approached the authorities for legal heir certificate of the deceased Nagapandian, but the same was rejected on the ground that the writ petitioner is not a direct legal heir and is only a Class II legal heir.

3. The learned Additional Government Pleader appearing for the respondents would submit that the deceased Nagapandian had married one Chitra Devi and their marriage was dissolved by a divorce decree in H.M.O.P.No.3 of 2003 dated 17.09.2003 on the file of the Family Court,



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Ramanathapuram, that the said Chitra Devi had married one Ramachandran and that since the deceased was a married person, the claim for legal heir certificate was rejected by the second respondent.

4. The Government has issued a circular dated 29.09.2022 in pursuance of the judgment of the Hon'ble Full Bench of this Court in ***P.Venkatachalam and others Vs. The Tashildar, Kumarapalayam Taluk, Namakkal District and others*** reported in ***2022 (4) CTC 1***, wherein, the Government has issued guidelines for issuance of legal heir certificate. The said Government Order contemplates for the issuance of legal heir certificate of the deceased (in case of unmarried person) will include the following members:-

1. Father of deceased
2. Mother of deceased
3. Brother(s) of deceased
4. Sister(s) of deceased

5. In the case on hand, the marriage of the deceased Nagapandian was dissolved by the competent Court and since the writ petitioner and



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his sister Kaleeshwari are the only legal heirs of the deceased Nagapandian, the impugned rejection order is legally unsustainable and the same is liable to be quashed.

6. In the result, this Writ Petition is allowed and the impugned order dated 16.08.2019 passed by the second respondent is hereby set aside. The second respondent is directed to issue legal heirship certificate in terms of G.O.Ms.478, dated 29.09.2022, within a period of three weeks from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

25.03.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm

To

1. The District Collector,
Madurai District.
2. The Tahsildar,
Thiruparam Kuntam Taluk,
Madurai,
Madurai District.



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3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J

csn

Order made in
W.P.(MD)No.1946 of 2021
and
W.M.P.(MD)No.1667 of 2021

Dated : 25.03.2024