



W.P(MD)No.3357 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition(MD)No.3357 of 2024

S.Chandrakala

... Petitioner

-Vs-

1.The Additional Chief Secretary / Commissioner,
of Revenue Administration,
Government of Tamil Nadu,
Chennai.

2.The Revenue Divisional Officer,
Madurai,
Madurai District.

3.The Tahsildar,
Madurai North Taluk Office,
Madurai District.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 3rd respondent in his proceedings in O.Mu.No.4271/2023/E1 dated 14.07.2023 and quash the same as illegal and arbitrary and consequently, direct the 3rd Respondent herein to issue the Class-II Legal Heir Certificate of the



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petitioner's deceased, brother, namely, Ravichandran in favour of the petitioner and her brother.

For Petitioner : Mr.G.Gomathi Sankar
For Respondents : Mr.D.Gandhi Raj
Spl. Govt. Pleader

ORDER

This writ petition is filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 3rd respondent in his proceedings in O.Mu.No. 4271/2023/E1 dated 14.07.2023 and quash the same as illegal and arbitrary and consequently, direct the 3rd respondent herein to issue the Class-II Legal Heir Certificate of the petitioner's deceased, brother, namely, Ravichandran in favour of the petitioner and her brother.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent.

3.The case of the petitioner is that his father was having four sons, namely, Janakiraman, Ravichandran, Madhusudhanan and Vijayabaskar and



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one daughter, who is the petitioner herein. The petitioner's brothers, Madhusudhanan and Vijaya Baskar were passed away leaving behind their wife and children and there was no issue. Her brother Ravichandran was died on 11.05.2021 and his wife was also predeceased to her brother and he was not having any issue. Hence, the petitioner and his brother Janakiraman alone are Class - II legal heirs of the said Ravichandran. Hence, the petitioner has made a representation to the third respondent on 14.07.2023 to get the Class- II legal heir certificate of her brother Ravichandran and the same was rejected by the third respondent vide impugned order dated 14.07.2023. Challenging the same, she has filed the present writ petition.

4.The learned counsel appearing for the petitioner would submit that this Court in umpteen number of judgments held that even Class-II legal heir is entitled to legal heirship certificate and guidelines were also issued by the Government in this regard. Since the Petitioner's request for Class-II legal heir certificate was rejected, the Petitioner has come forward with the present Writ Petition.



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5. As per the orders of the Full Bench of this Court, the Government has issued guidelines and procedures for issuance of legal heir certificate and in case of unmarried persons, the father, mother, brother and sister of the deceased person should be added as legal heirs and should submit documents such as death certificate of the deceased and for residence proof, any one of the documents such as Aadhaar Card, Voter ID Card, Passport, Bank Passbook/Postal Savings Book, Driving License, Pension Payment Order and any other similar document.

6. In view of the above stated position, the Petitioner is directed to approach the third respondent with the aforesaid documents to enable them to issue the Integrated Legal Heirship Certificate as sought for in the present Writ petition and on receipt of the same, the said authority is directed to consider the same based on her representation earlier submitted and pass appropriate orders in accordance with law as per the guidelines issued by the Government in this regard, within a period of four weeks from the date of receipt of a copy of this order.



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7. With the above directions, the Writ Petition is disposed of. No costs.

15.02.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
skn

To

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of Revenue Administration,
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V.BHAVANI SUBBAROYAN, J.

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