



W.P(MD)No.4582 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4582 of 2024

Balachandran

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Thirumangalam Division,
Madurai District.

2.The Tahsildar,
Kallikudi Taluk,
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 pertaining to the impugned order passed by the 2nd respondent vide his proceedings in Muu.Mu.No.3154/2023/A4 dated 01.02.2024 and quash the same as illegal, improper and unconstitutional, consequently direct the 2nd respondent to issue legal heirship certificate mentioning that the petitioner alone is the legal heir of his sister namely Late Balasaroja, Daughter of Palchammy within a time stipulated by this Court.

For Petitioner : Mr.S.Prabhu

For Respondent : Mr.S.Kameshwaran
Government Advocate



W.P(MD)No.4582 of 2024

ORDER

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Heard both sides.

2. One Balasaroja passed away on 30.03.2023. She got married on 07.04.1985. It was dissolved on 31.01.2007 in H.M.O.P.No.262 of 2006. Through the said marriage, she did not have any child. Therefore, the petitioner is only the surviving class II legal heir. When the petitioner approached the second respondent for issuance of legal heir certificate, it was negatived. Challenging the communication dated 01.02.2024 issued by the second respondent, the present writ petition came to be filed.

3. I wanted the learned Government Advocate to clarify if the facts set out in the affidavit filed in support of the writ petition are true. In particular, I wanted to know if Balasaroja had any issue. It is clarified that Balasaroja's marriage was dissolved in the manner known to law and that she did not have any issue.

4. In these circumstances, the petitioner has to be recognised as class II legal heir. It is also clarified that apart from the petitioner, there is no other sibling. Their parents have pre-deceased.



W.P(MD)No.4582 of 2024

WEB COPY

5. In these circumstances, the impugned communication is set aside. The second respondent is directed to issue a legal heir certificate certifying the petitioner as a class II legal heir of the deceased Balasaroja. This shall be done immediately and without any delay. The Writ Petition is allowed. No costs.

18.03.2024

Index : Yes / No
Internet : Yes/ No
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To

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W.P(MD)No.4582 of 2024

G.R.SWAMINATHAN, J.

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