



W.P(MD)No.4864 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4864 of 2024

and

W.M.P.(MD)No.4682 of 2024

Malaiyammal

... Petitioner

Vs.

The Tahsildar,
Sathankulam Taluk,
Tuticorin.

... Respondent

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 Application No. TN-7202309131810 dated 13.09.2023 passed by the respondent which is available only in the Web Portal and quash the same and consequently direct the respondents to grant legal heir certificate for Late P. Manavalakonar.

For Petitioner : Mr.K.K.Udayakumar

For Respondent : Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard both sides.



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2. The petitioner's father Manavalakonar passed away on 10.11.1993. The petitioner's mother passed away on 22.11.2013. The petitioner's brother passed away on 16.12.2007. At present, the daughters are the surviving legal heirs. The petitioner applied to the respondent for issuance of the legal heir certificate. The petitioner's request was rejected on the ground that the age difference between the petitioner's mother and the elder daughter was less than 18. The respondent is under the assumption that only after a person crosses the age of 18, he or she is entitled to beget a child. Of-course, that may be the ideal situation. I take judicial notice of the fact that atleast during the last century, girls were given in marriage even when they were less than 15. The reason set out in the impugned order is patently unacceptable. It is set aside. The matter is remitted to the file of the respondent. The respondent shall hold proper enquiry and issue legal heir certificate based on the outcome of the enquiry. I have not gone into the merits of the matter. I only fault the reason given in the impugned order. A fresh order on merits and in accordance with law shall be passed by the respondent within a period of twelve weeks from the date of receipt of a copy of this order.



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3. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

01.03.2024

Index : Yes / No
Internet : Yes/ No
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To

The Tahsildar,
Sathankulam Taluk,
Tuticorin.



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G.R.SWAMINATHAN, J.

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