



W.P(MD)No.13016 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13016 of 2024

and

W.M.P(MD)No.11555 of 2024

P.Ravichandran

... Petitioner

Vs.

The Tahsildar,
Kovilpatti,
Tuticorin District.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned online communication order bearing No. Nil dated 21.05.2024 on the file of the respondent and quash the same as illegal and consequently direct the respondent to issue the legal heir certificate to the Petitioner on the basis of the petitioner's online application in TN-7202405062013 dated 06.05.2024.

For Petitioner : Mr.R.Shankar Ganesh

For Respondent : Mr.K.Balasubramani
Special Government Pleader



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ORDER

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Heard both sides.

2.One S.T.Manimegalai passed away on 01.05.2024. She married petitioner's father after the demise of the petitioner's mother on 27.07.2002. The petitioner's father passed away on 11.02.2018. The petitioner approached the respondent for issuance of legal heir certificate. Citing the objection received from the brother of S.T.Manimegalai, the petitioner's request was rejected. The respondent also took the stand that legal heir certificate should not be issued to Class II legal heir. Challenging the same, the present writ petition came to be filed.

3.The learned counsel appearing for the petitioner drew my attention to Section 15(1) of the Hindu Succession Act, 1956. It reads as follows:

“15. General rules of succession in the case of female Hindus.-(1) The property of a female Hindu dying intestate shall devolve according to the rules set out in section 16,-
(a) firstly, upon the sons and daughters (including the children of any pre-deceased son or daughter) and the husband;
(b) secondly, upon the heirs of the husband;



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- (c) thirdly, upon the mother and father;
(d) fourthly, upon the heirs of the father; and
(e) lastly, upon the heirs of the mother.”*

It can be seen therefrom that S.T.Manimegalai died issueless. Her husband had also predeceased her. Therefore, Clause (a) of 15 (1) will not apply. Hence, Clause (b) of 15(1) will spring into operation. The petitioner being the son of Ponnusamy, husband of S.T.Manimegalai should be considered as a legal heir entitled to succeed to estate of S.T.Manimegalai. Of course, this is a matter for enquiry. I am only holding that the petitioner has clarified the legal position.

4.In this view of the matter, the impugned communication is set aside. The matter is remitted to the file of the respondent. The respondent will conduct enquiry. The respondent can also enquire the brother of the deceased. If the respondent is satisfied that S.T.Manimegalai died issueless and her husband Ponnusamy has predeceased her, and the petitioner is the son of Ponnusamy, then the legal heir certificate can be issued in favour of the petitioner herein. This exercise shall be completed by the respondents within a period of twelve weeks from the date of receipt of a copy of this order.



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5.This writ petition is allowed accordingly. There shall be no order

as to costs. Consequently, connected miscellaneous petition is closed.

20.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

The Tahsildar,
Kovilpatti,
Tuticorin District.



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G.R.SWAMINATHAN,J.

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