



WP(MD) No.13509 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.13509 of 2024

P.Rosemary

... Petitioner

Vs.

1.The Director of Agriculture,
Department of Agriculture,
Government of Tamilnadu,
Chepauk, Chennai - 600 005.

2.The Joint Director of Agriculture,
Dindigul District,
Dindigul.

3.The Assistant Director of Agriculture,
Reddiyarchathiram,
Dindigul District,
Dindigul.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned letter No.Aa2/11421/2022, dated 25.09.2023 issued by the 2nd respondent and quash the same as illegal and consequently directing the respondents to disburse the service benefits of the petitioner's brother namely, P.Jegaveera Karuthapandi.

For Petitioner : Mr.J. Lawrance

For Respondents : Mr.M.Lingadurai

Special Government Pleader

ORDER

The writ petition has been filed seeking for a Writ of Certiorarified Mandamus to quash the impugned letter No.Aa2/11421/2022, dated 25.09.2023 issued by the 2nd respondent and consequently directing the respondents to disburse the service benefits of the petitioner's brother namely, P.Jegaveera Karuthapandi.



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2. Heard Mr.J. Lawrance, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner who claims herself as one of the sisters of the deceased P.Jegaveera Karuthapandi, working as a Junior Assistant died on 06.12.2022 in harness. The petitioner claims that the deceased P.Jegaveera Karuthapandi is an unmarried person and he has his sisters alone as his legal heirs. To that effect, she has also produced legal heir certificate, but the first respondent has passed an order without considering the same

5. The one and only reason stated in the impugned order is that the petitioner is the Class-II legal heirs of the deceased and



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hence, she has to file a civil suit and get a decree for declaration about her relationship with the deceased.

6. Attention was drawn to the Government Order in G.O.(Ms)No.478 Revenue & Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 29.09.2022, wherein, guidelines and procedures for issuance of legal heir certificate has been prescribed. According to the guidelines, in case of unmarried person, the legal heir certificate of the deceased can also be given, provided, if the deceased had father, mother, brothers and sisters, class-II legal heirs. Since the deceased had left his sisters alone as his legal heirs, the revenue authority had thought it fit to issue legal heir certificate in accordance with the above guidelines.

7. In such case, the authorities concerned ought to have considered the legal heir certificate and pass orders even without directing the petitioner to go to the Civil Court and get a decree.



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8. It is understandable that if there is no counter claim made by any other persons for the death benefits of P.Jegaveera Karuthapandi. In the absence of same, the respondents shall consider the documents filed by the petitioner and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

9. With the above observation and direction, the Writ petition is allowed and the impugned letter, dated 25.09.2023 of the second respondent is quashed. No costs.

25.06.2024

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

RM



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.13509 of 2024

Dated:
25.06.2024