



W.P(MD)No.13850 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13850 of 2024

and

W.M.P(MD)No.12180 of 2024

Pavalakodi

... Petitioner

Vs.

The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

... Respondent

Prayer: Writ petition is 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 rejection order dated 15.02.2024 passed by the respondent and quash same as illegal and consequently direct the respondent herein to issue Legal Heirship Certificate for the petitioner's deceased husband Muniyandi, S/o.Koori who died on 07.05.2023 within a time stipulated by this Court.

For Petitioner : Mr.G.Senthil Murugan

For Respondent : Mr.P.Thambi Durai
Government Advocate



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ORDER

Heard both sides.

2.Thiru.Muniyandi, husband of the petitioner passed away on 07.05.2023. The petitioner's elder daughter passed away on 19.09.2021. The case of the petitioner is that as on date she along with her daughters are the legal heirs of her husband Muniyandi. The petitioner would further claim that her younger daughter Priya was already given in adoption to her sister Irulayee long back and that attachment was formally registered only on 07.06.2023.

3.I am not in a position to go into the veracity of the aforesaid averments. Since the request of the petitioner for issuance of legal heir certificate was rejected only because the relevant document was not furnished, I set aside the rejection order and remit the matter to the file of the respondent. The respondent will hold enquiry. On the enquiry date, the petitioner has to be present along with all the other stakeholders. If the respondent is satisfied that Priya had already been given in adoption and she also confirms the same, the legal heir certificate will be



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issued by recording the names of the petitioner and the remaining daughters alone.

4.The learned counsel appearing for the petitioner is not clear if Kanimoli left behind any surviving children. If Kanimoli had legal heirs / her children, their names will also have to be included in the legal heir certificate. It is for the respondent to conduct proper enquiry and record the names of all the legal heirs as per the personal law governing the parties (Hindu Law). This exercise shall be completed by the respondent within a period of ten weeks from the date of receipt of a copy of this order.

5.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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G.R.SWAMINATHAN,J.

MGA

To

The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

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