



W.P(MD)No.15764 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 20.03.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.15764 of 2021

and

W.M.P(MD)Nos.12709 and 12710 of 2021

Kamala

... Petitioner

Vs.

1. The District Collector,
O/o.The District Collector,
Theni, Theni District.

2.The Tahsildar,
Taluk Office, Uthamapalayam,
Theni District.

3.Regina

4.Jeevitha

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari filed Mandamus, to call for the records of the impugned legal heir certificate No.TN-7202106293349, dated 16.07.2021 issued by the second respondent to the respondents 3 and 4 and quash the same, consequently, direct the second respondent to include the minor child Deepika in the legal heir certificate based on the representation, dated 10.08.2021.



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For Petitioner : Mr.M.A.M.Raja
For Respondents : Mr.P.Thambidurai,
Government Advocate (Civil Side)
for R1 and R2.

: Mr.K.Guhan, for R3 and R4.

ORDER

This Writ Petition has been filed seeking orders to issue a Writ of Certiorari filed Mandamus, to call for the records of the impugned legal heir certificate No.TN-7202106293349, dated 16.07.2021 issued by the second respondent to the respondents 3 and 4 and quash the same, consequently, direct the second respondent to include the minor child Deepika in the legal heir certificate based on the representation, dated 10.08.2021.

2. The learned counsel for the petitioner would submit that the petitioner is the second wife of the deceased Simon Moses; that the third respondent is the first wife and the fourth respondent is the daughter born to the first wife of the deceased Simon Moses; that the petitioner has sought for legal heir certificate including her daughter, but the second



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respondent has issued certificate by showing the respondents 3 and 4 as the legal heirs of the deceased Simon Moses and that therefore, the petitioner was constrained to approach this Court.

3. The learned counsel for the respondents 3 and 4 would submit that the petitioner's daughter being illegitimate child, the second respondent has rightly excluded her and issued the certificate in favour of the respondents 3 and 4.

4. The learned Government Advocate (Civil Side) would submit that the petitioner challenging the order of Tahsildar, has preferred an appeal before the Revenue Divisional Officer, Uthamapalayam and the RDO, Uthamapalayam, taking note of the fact that the present writ petition is pending, dismissed the appeal vide order, dated 16.05.2022. He would further submit that the RDO may be directed to restore the appeal and consider the stand of both the parties and pass orders taking note of the Government Order in G.O.Ms.No.478, dated 29.02.2022.

5. Considering the facts and circumstances of the case and taking note of the submission made by the learned counsel on either side, the



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Revenue Divisional Officer, Uthamapalayam is hereby directed to restore the appeal in Na.Ka.No.4021/2021/A3 and to hear the petitioner as well as the respondents 3 and 4 and pass orders in accordance with law and by taking note of the Government Order in G.O.Ms.No.478, dated 29.02.2022.

6. With the above direction, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

19.03.2024

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

To

1. The District Collector,
O/o.The District Collector,
Theni, Theni District.
- 2.The Tahsildar,
Taluk Office, Uthamapalayam,
Theni District.



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K.MURALI SHANKAR, J.

das

Order made in
W.P(MD)No.15764 of 2021
and
W.M.P(MD)Nos.12709 and 12710 of 2021

Dated : 20.03.2024