



W.P(MD)No.17728 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.17728 of 2019

Ishwarya

... Petitioner

Vs

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Thirupuvanam Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in O.Mu.A2/1592/2019 dated 02.08.2019 on the file of the second respondent and quash the same as illegal and consequently to direct the second respondent to issue legal heir certificate of her brother late.Kallaanai.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.D.Gandhi Raj
Special Government Pleader



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ORDER

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This Writ Petition has been filed by the petitioner challenging the order passed by the second respondent dated 02.08.2019, thereby rejecting the request made by the petitioner for issuance of a Class-II legal heirship certificate on the demise of her brother late.Kallaanai.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.Admittedly, the petitioner's third elder brother Kallaanai died on 02.06.2019. He had no issues. Therefore, the petitioner applied for a legal heirship certificate before the second respondent, since she is the only sister available as his legal heir. Admittedly, the petitioner is a Class-II legal heir and as such, the second respondent has no authority to issue any legal heirship certificate since it has to be gone into by letting evidence by the civil Court. Therefore, the request made by the petitioner was rightly rejected by the second respondent dated 02.08.2019 and this Court finds no infirmity or illegality in the order passed by the second



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respondent dated 02.08.2019. Hence, this Writ Petition is devoid of merits and the same is liable to be dismissed.

4. Accordingly, this Writ Petition is dismissed. However, the petitioner is at liberty to approach the civil Court with appropriate relief in accordance with law. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

06.12.2024

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

To

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Sivagangai.

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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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