



W.P(MD)No.18059 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18059 of 2024

and

W.M.P.(MD)No.15448 of 2024

Sirajudeen

... Petitioner

Vs.

The Tahsildar,
Taluk Office,
Palani Taluk,
Dindigul District.

... Respondent

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 relating to the impugned order dated 27.5.2024 in O.Mu.No.2806/2024/A2 issued by the respondent and quash the same and consequently direct the respondent to issue Legal Heir Certificate according to law within a period that may be stipulated by this Court.

For Petitioner : Mr.N.Mohan

For Respondent : Mr.K.Balasubramani,
Spl. Government Pleader.



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ORDER

Heard both sides.

2. One Jennathul Firthous had passed away. The petitioner seeks issuance of legal heir certificate by contending that he happens to be class III legal heir, as the deceased was the daughter of his maternal uncle. It has been consistently held that the revenue authority is authorized to issue legal heir certificate not only for class I legal heirs but also for class II legal heirs. The petitioner is a muslim. They have different classes of legal heirs. Therefore, based on enquiry, the respondent can very well issue legal heir certificate.

3. In this view of the matter, the impugned memorandum is set aside and the matter is remitted to the file of the respondent. The respondent will peruse the records. If the respondent is satisfied that the petitioner is a legal heir as per Muslim Personal Law, then the legal heir certificate shall be issued. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.



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4.The writ petition is allowed on these terms. No costs. Consequently,
connected miscellaneous petition is closed.

01.08.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Tahsildar,
Taluk Office,
Palani Taluk,
Dindigul District.



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G.R.SWAMINATHAN, J.

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