



WP(MD). No.20674 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 30/08/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.20674 of 2024
and WMP(MD) No.17535 of 2024

Krishnamoorthy. K

... Petitioner

Vs

The Tahsildar,
Nilakottai Taluk,
Nilakottai,
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 of the respondent in TN-720240720461 dated 20.07.2024 quash the same and consequently direct the respondent herein to consider the application of the petitioner dated 20.07.2024 for grant of Class-II legal heirship certificate after due enquiry providing reasonable opportunity to the petitioner in accordance with law.

For Petitioner : Mr.R. Muthukumaran,

For Respondent : Mr.A.Kannan
Additional Government Pleader



WP(MD). No.20674 of 2024

ORDER

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

2. Challenge has been made to the impugned order of the respondent in TN-720240720461 dated 20.07.2024 and consequently direct the respondent herein to consider the application of the petitioner dated 20.07.2024 for grant of Class-II legal heirship certificate after due enquiry providing reasonable opportunity to the petitioner in accordance with law.

3. The case of the petitioner is that the petitioner is the brother of Jeyajothi. The petitioner's sister Jeyajothi and her husband have no issues. Her husband died on 14.09.2014. The death certificate also issued on 24.09.2014. The legal heirship certificate was issued on 17.12.2014, wherein it is clearly stated that Jeyajothi alone is the legal heir of her husband. It is the case of the petitioner that his sister died on 27.09.2022. Death certificate also issued on 15.10.2022. The petitioner is the class II legal heir along with his brothers. When he applied for legal heir



WP(MD). No.20674 of 2024

certificate, the impugned order came to be passed.

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4. The learned Additional Government Pleader would submit that the impugned order has been passed to the effect that the deceased is a married person and as per enquiry, the deceased person has no child.

5. I have considered the rival submissions and perused the materials available on record.

6. The impugned order is totally contrary to G.O.Ms.No.110 dated 13.03.2024 in this regard based on the judgment of the Full Bench dated 12.08.2022 in WP No.25247/2021, wherein, an amendment was brought into the said Government order and it is directed that in the case of death of a married person, the legal heir certificate can be issued to the parents of the deceased or brothers or sisters of the deceased. In such view of the matter, the impugned order stands quashed and the matter is remitted back to the respondent. The respondent is directed to issue certificate as per the aforesaid G.O., within a period of one month from the date of receipt of a copy of this order.



WP(MD). No.20674 of 2024

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7. The writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

30.08.2024

NCC : Yes/No
Index : Yes/No

RR

TO
The Tahsildar,
Nilakottai Taluk,
Nilakottai,
Dindigul District..



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WP(MD). No.20674 of 2024

N.SATHISH KUMAR,J

RR

**ORDER
IN
WP(MD) No.20674 of 2024**

Date : 30/08/2024