



WP(MD). No.21433 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 09/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.21433 of 2024
and WMP(MD) Nos.18131 and 18134 of 2024**

Duraipandian

... Petitioner

Vs

The Tahsildar,
Tahsildar Office,
Bodinayakkanur,
Theni 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 pertaining to the impugned order dated 31.07.2024 under proceedings of reference O.Mu.No. 2692/2024/A7 passed by the respondent and quash the same and consequently direct the respondent to issue legal heir certificate to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.S.Srikanth,

For Respondent : Mr.D.Gandhiraj
Special Government Pleader



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ORDER

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Challenging the impugned order rejecting the legal heirship certificate, the present writ petition has been filed.

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

3. It is the case of the petitioner that the petitioner's younger brother Eswaran met with an accident on 09.04.2024 and died on 17.04.2024 without any legal heirs. The petitioner is the eldest brother and the petitioner's parents is already predeceased him. Now the petitioner and another brother alone are the class II legal heirs of his deceased brother. In this regard, the petitioner has applied for legal heirship certificate. However, the same has been rejected citing that as per G.O.Ms.No.110 dated 13.03.2024, the petitioner and his brother are not entitled.

4. Mr.D.Gandhiraj, learned Special Government Pleader, takes notice for the respondent.



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

6. It is relevant to note that the said G.O.Ms.No.110 dated 13.03.2024 has been passed based on a decision of the Full Bench of this Court, wherein, it is clearly stated that in case of death of an unmarried person, the brothers and sisters of the deceased are to be issued with the legal heirship certificate. In such view of the matter, the petitioner and his brother, being the Class II legal heirs of the deceased brother, be issued with the legal heirship certificate and hence, the order rejecting the same is liable to be quashed.

7. Accordingly, the writ petition is allowed and the respondent shall issue legal heirship to the petitioner and his brother based on the said G.O. No.110 dated 13.03.2024. No costs. Consequently connected Miscellaneous Petitions are closed.

09.09.2024

NCC : Yes/No
Index : Yes/No
RR

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TO

1. The Tahsildar,
Tahsildar Office,
Bodinayakkanur,
Theni District.



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N.SATHISH KUMAR,J

RR

**ORDER
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