



W.P.(MD)No.22640 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.22640 of 2021

Velmurugan

... Petitioner

Vs.

1. The District Collector,
Collectorate,
Madurai District.

2. The Thasildar,
Taluk Office,
Madurai West,
Madurai.

... Respondents

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 issued by the second respondent dated 18.01.2019 and quash the same and to consequently direct the second respondent to issue legal heirship certificate in the name of petitioner's deceased Mother late Rajamaniammal as daughter of Late Shri Ondimuthupillai.



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For Petitioner : Mr.K.Samidurai
for Mr.M.Gnanagurunathan
For Respondents : Mr.M.Muthumanikkam
Government Advocate

ORDER

The Writ Petition is directed against the order dated 18.01.2019 issued by the second respondent rejecting the application for legal heirship certificate and for directions to the second respondent to issue legal heirship certificate in the name of writ petitioner's deceased mother late Rajamaniammal as daughter of late Ondimuthupillai.

2. It is seen from the impugned rejection order that the second respondent has passed the impugned order, as if, the writ petitioner has claimed legal heirship certificate for his grandfather Ondimuthupillai.

3. The learned Government Advocate appearing for the respondents would submit that since the writ petitioner's grandfather comes under the category of class II legal heirs, the second respondent is not entitled to issue legal heirship certificate.



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4. At this juncture, the learned counsel appearing for the writ petitioner would submit that they are only seeking legal heirship certificate for the writ petitioner's mother as daughter of Ondimuthupillai. As rightly contended by the learned Government Advocate appearing for the respondents, such a legal heirship certificate cannot be issued showing the father of the writ petitioner's mother for whom he is claiming the legal heirship certificate.

5. At this juncture, the learned counsel appearing for the writ petitioner would submit that the second respondent may be directed to issue legal heirship certificate to the writ petitioner's mother and is restricting his prayer to that extent.

6. In view of the submissions made on either side, the writ petitioner is directed to submit a fresh application for legal heirship certificate before the second respondent and on receipt of the same, the second respondent is directed to consider the same and issue legal heirship certificate as claimed in accordance with relevant GOs.



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7. With the above direction, this Writ Petition is disposed of. No costs.

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NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm

To

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K.MURALI SHANKAR, J

csm

**Order made in
W.P.(MD)No.22640 of 2021**

Dated : 23.07.2024