



W.P.(MD)No.26171 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.26171 of 2024

and

W.M.P.(MD)No.22170 of 2024

Rethinam

... Petitioner

Vs.

1.The District Collector,
District Collectorate Office,
Ramanathapuram District.

2.The Revenue Divisional Officer,
Ramanathapuram Division,
Ramanathapuram,
Ramanathapuram District.

3.The Tahsildar,
Thasildar Office,
Rameshwaram Taluk,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Application No.TN-720240713541 on the file of the third respondent and quash the same and consequently direct the second and third respondents to issue the legal heir certificate of the petitioner's deceased father namely Mariyasignam.



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For Petitioner : Mr.K.Yasar Arafath
For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This writ petition has been filed challenging the order of the third respondent passed in the application seeking legal heirs certificate in Application No.TN-720240713541 and to direct the second and third respondents to issue the legal heir certificate of the petitioner's deceased father namely Mariyasignam.

2.Mr.D.Gandhiraj, learned Special Government Pleader, takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal.

3.The grievance of the petitioner is that the father of the petitioner died on 28.05.1994. The petitioner filed an application before the authorities concerned seeking legal heirs certificate in the year 2024. The said application has been returned to produce all the Aadhar cards of the other legal heirs. Challenging the same, the petitioner has filed this writ petition.



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4.The learned counsel for the petitioner submitted that the petitioner has produced the identity cards of the petitioner as well as the death certificate of the petitioner's mother. Further, with regard to the production of adhar cards and family cards of the other legal heirs, it is for the authorities concerned to conduct an enquiry and find out whether the other legal heirs of the petitioner's father are the siblings of the petitioner. However, no such enquiry was undertaken by the authorities concerned.

5.Considering the above submission, this Court is of the view that the order impugned in this writ petition cannot be sustained in the eye of law for the simple reason that it is of the authorities concerned to ascertain the veracity of the petitioner's application by conducting proper enquiry about the other legal heirs left by the deceased. Without conducting any enquiry, the application of the petitioner has been returned.

6.In view of the above, the order impugned in this writ petition is set aside and the matter is remanded back to the authorities concerned for fresh consideration. The third respondent is directed to conduct proper enquiry on the application of the petitioner and pass appropriate orders on the same within



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a period of two months from the date of receipt of a copy of this order. This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

30.10.2024

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

- 1.The District Collector,
District Collectorate Office,
Ramanathapuram District.
- 2.The Revenue Divisional Officer,
Ramanathapuram Division,
Ramanathapuram,
Ramanathapuram District.
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N.SATHISH KUMAR, J.

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