



W.P.(MD)No.26876 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2024

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.26876 of 2024

Arivarasupandian

... Petitioner

Vs

The Thasildhar,
Peraiyur Taluk Office,
Periaiyur,
Madurai District.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, calling for the records pertaining to the impugned order passed by the respondent vide his proceeding in Mu.Mu./2024/Aa1, dated 27.09.2024 on the file of the respondent and quash the same as illegal and consequently direct the respondent to issue the legal heir certificate favour of the petitioner within a time stipulated by this Court.

For Petitioner : Mr.V.Selvakumar

For Respondent : M/s.J.Amjad Khan
Government Advocate



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ORDER

The prayer of the writ petition is as follows:

This writ petition has been filed for issuance of writ of Mandamus, calling for the records pertaining to the impugned order passed by the respondent vide his proceeding in Mu.Mu./2024/Aa1, dated 27.09.2024 on the file of the respondent and quash the same as illegal and consequently direct the respondent to issue the legal heir certificate in favour of the petitioner within a time.

2.Challenging the information received under the Right to Information Act, 2005 by communication dated 27.09.2024, this writ petition came to be filed by the petitioner.

3.The petitioner made an application seeking the second class legal heir certificate of his aunt Rajammal and her husband K.Perumal Thevar who had passed away on 20.09.2015 and 01.07.2015 respectively. They had no children. The second class heirs to the above said deceased persons, include the following persons:-

- 1.Veera Thevar(Deceased father)
- 2.Mokkachamy Thevar(Deceased Brother)
- 3.Nalliveera Thevar(Deceased Brother)



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4.Chinna Veerammal(Deceased Sister)

5.Chinnathayi(Deceased Sister)

4.All the second-class heirs, including the petitioner's father and siblings have passed away due to old age, the petitioner's father being a direct heir, the petitioner is eligible for a second-class legal-heir certificate. In view of the same, the petitioner had made an application seeking second class legal heir certificate before the respondent. Since the same was not processed, he made an application on 12.06.2023 seeking information with respect to his application under the Right to Information Act to the respondent for which the impugned communication was sent to the petitioner making it clear that online procedure for grant of legal heir certificate is available only for the first class legal heir certificate and there is no available procedure for issuance of the second class legal heir certificate in the respondent office and the petitioner was further directed to approach the appropriate Court for the receipt of the second class legal heir certificate.

5.When the matter came up for admission, Mr.V.Selvakumar, the learned Counsel appearing for the petitioner vehemently submitted that the crux of the case is already covered by the various orders of this Court and in view of the G.O.(Ms).No.478, dated 29.09.2022, Revenue and Disaster Management, Revenue Administration Wing, RA-3(2) Section, the respondent ought to have duly appreciated the petitioner's application and should have granted the second class legal heir certificate.



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6.Per contra, Mr.T.Amjad Khan, the learned Government Advocate submitted that the petitioner never ever had submitted an online application in this regard and if the petitioner could do it with all necessary supporting documents, the respondent would consider the same.

7.In view of the same, the petitioner is directed to make an application both through registered post and through online mode afresh along with all necessary documents and on receipt of the same, the respondent is directed to pass appropriate orders in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

8.With the above said observations, this writ petition stands disposed of. No costs.

12.11.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

The Thasildhar,
Peraiyur Taluk Office,
Periaiyur,
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L.VICTORIA GOWRI, J.

RJR

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