



W.P.(MD).No.7231 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.7231 of 2024

M.Prakash

... Petitioner

Vs

1. The Secretary,
SC / ST Section,
Government of Tamil Nadu,
Fort St. George, Chennai.
2. The District Collector,
Collector Office,
1st Floor, Sivagangai.
3. The Revenue Divisional Officer,
R.D.O. Office, Devakottai Post,
Sivagangai District.
4. The Tahsildar,
Tahsildar Office,
Karaikudi Taluk, Sivagangai District.
5. The Executive Officer,
Town Panchayat, Pallathur Post,
Karaikudi Taluk, Sivagangai District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 5th respondent / the Executive officer, Town panchayat, Pallathur post, Karaikudi Taluk, Sivagangai district to add the petitioner's name and his mother Valli name and address as legal heirs in the service record of the deceased Mariyappan.

For Petitioner : Mr. C.Vellaichamy

For Respondents : Mr.S.Shaji Bino (R1 to R4)
Special Government Pleader

Mr.Sureshkumar (R5)
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the 5th respondent / the Executive officer, Town panchayat, Pallathur post, Karaikudi Taluk, Sivagangai district to add the petitioner's name and his mother Valli name and address as legal heirs in the service record of the deceased Mariyappan.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.



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3.Heard, the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondent 1 to 4 and the learned Government Advocate appearing for the fifth respondent. Perused the materials on record.

4.The petitioner's father late G.Mariyappan served as a Scavenger in the sanctioned post of the 5th respondent Panchayat. While in service, he passed away on 11.12.2023. The petitioner is the son of late G.Mariyappan and one Valli. His mother Valli deserted his father, thereafter, his father married another lady viz., Mookkayi. Through Mookkayi, he had three children, ie., two daughters and one son. After his death, only his second wife Mookkayi and her three children viz., M.Priya, M.Priyanka and M.Prathap were incorporated in the legal heir certificate issued by the fourth respondent. Neither the name of the petitioner nor his mother's name were incorporated in the legal heir certificate of late G.Mariyappan. Hence, this petition came to be filed seeking to include their names in the legal heir certificate of late G.Mariyappan.



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5.The learned Special Government Pleader submitted that the fourth respondent is the competent authority to issue legal heir certificate and the petitioner may be directed to submit a proper application before the fourth respondent and the same will be considered in accordance with law.

6.In view of the said submission, this Court hereby direct the petitioner forthwith submit an application before the fourth respondent seeking to include his name and his mother's name in the legal heir certificate of late G.Mariyappan. On receipt of the same, the fourth respondent is directed to pass appropriate orders in accordance with law within a period of twelve (12) weeks thereafter.

7.With the above direction, this writ petition stands disposed of.
There shall be no order as to costs.

22.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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L.VICTORIA GOWRI, J.

PNM

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