



W.P.(MD)No.29156 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.12.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.29156 of 2024

Kanagavalli

... Petitioner

Vs.

The Tahsildar,
Tashildar Office,
Theni District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to issue the Legal Heir Certificate of the Petitioner's Mother on the basis of the Petitioner's representation dated 09.09.2024 within a stipulated time in accordance with law.

For Petitioner : Ms.R.Brindha

For Respondent : Mr.T.Amjad Khan

Government Advocate

ORDER

This writ petition has been filed seeking for a direction to the respondent to issue the legal heir certificate of the petitioner's mother, on the basis of the petitioner's representation dated 09.09.2024.



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2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

4. The petitioner's mother, Kamatchiammal passed away on 27.01.1992. Her father also passed away on 20.11.1997. Subsequently, on receipt of the death certificate of her parents from the revenue authorities, the petitioner made an application seeking for legal heir certificate of her mother through online. However, due to non availability of certain prescribed documents belonging to the siblings, the online portal of the respondent rejected the petitioner's online application. Hence, the petitioner made a representation on 09.09.2024 to the respondent seeking to issue legal heir certificate. Since the same has not been considered, this writ petition has been filed.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-



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consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. In view of the same, considering the pathetic situation of the petitioner, this Court hereby direct the respondent to receive the application for issuance of legal heir certificate in the offline mode, with all necessary documents and on receipt of the same, the respondent is directed to issue the legal heir certificate of the petitioner's mother, to the petitioner, if she is otherwise eligible, within a period of eight weeks from the date of receipt of copy of this order.

7. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

06.12.2024

NCC : Yes / No
Index : Yes / No
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L.VICTORIA GOWRI, J.

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TO:-

- 1.The Tahsildar,
Tashildar Office,
Theni District.

Order made in
W.P.(MD)No.29156 of 2024

Dated
06.12.2024