



W.P(MD)No.29287 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29287 of 2023

and

W.M.P.(MD)No.25302 of 2023

T.Suguna

... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Tahsildhar,
Usilampatti Taluk,
Office at Usilampatti,
Madurai District.

3.R.Umarani

4.Balajiram

... 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 rejected status report of application No.TN-720231021845 dated 21.10.2023 issued by the 2nd respondent and quash the same and consequently direct the 2nd respondent herein to consider the petitioner's application dated 21.10.2023 and to issue legal heir certificate of her deceased husband namely, Thanikachalam who died on 07.10.2023.



W.P(MD)No.29287 of 2023

For Petitioner : Mr.P.Venkatesan

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Government Pleader for R1 & R2.

ORDER

Heard the learned counsel counsel for the writ petitioner and the learned Additional Government Pleader for the respondents 1 and 2. The respondents 3 and 4 have been served and their names have been printed in the cause list but they have not chosen to enter appearance to oppose the writ prayer.

2.The petitioner got married to one Thanikachalam on 27.10.2010. Thanikachalam had earlier married the third respondent on 24.08.2001 and the fourth respondent was born 13.05.2002. The first marriage was dissolved through Court order (H.M.O.P.No.168 of 2009). Thanikachalam passed away. The petitioner applied for issuance of legal heir certificate. It was rejected by the second respondent on the ground that the fourth respondent was not included in the application. Challenging the rejection order, this writ petition came to be filed.

3.The petitioner informs this Court that she could not include the name of the fourth respondent because she was not possessed with relevant details. I am



W.P(MD)No.29287 of 2023

not able to accept this explanation. In fact, the second respondent rightly passed the rejection order. Now the petitioner states that she has realized her mistake and that she would include the name of the fourth respondent also.

4.In this view of the matter, the petitioner is permitted to apply afresh before the second respondent. If there is any difficulty in submitting the online application, the petitioner is permitted to submit manual application. The same will be received by the second respondent. Notice will be issued to all the stakeholders. The second respondent will issue legal heir certificate by including the petitioner, the fourth respondent and other legal heirs, if any. This exercise shall be completed by the second respondent within a period of twelve weeks from the date of receipt of fresh application from the writ petitioner.

5.The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

05.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.29287 of 2023

G.R.SWAMINATHAN, J.

ias

To:-

- 1.The District Collector,
Madurai District.
- 2.The Tahsildhar,
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Office at Usilampatti,
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W.P(MD)No.29287 of 2023

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