



WEB COPY



W.P(MD)No.1:

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.1539 of 2024

and

W.M.P(MD)No.1568 of 2024

Akshay

Rep.through her Power of Attorney

M.Viji

..Petitioner

Vs

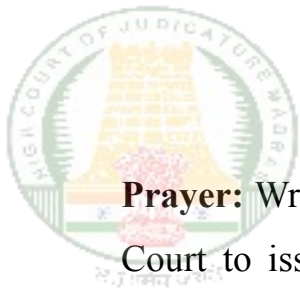
1.The District Collector,
District Collector Office,
Dindigul District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul District.

3.The Tahsildar,
Authoor Taluk,
Dindigul District.

4.Uma Prabhakaran

..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 Certiorari Mandamus, to call for the records in application bearing TN-7202307192757, dated 19.07.2023 issued by the third respondent and to quash the same as illegal and to direct the respondents to issue legal heir certificate based on the application.

For Petitioner

:Mr.M.Prabhakaran

For R1 to R3

:Mr.SRA.Ramachandran

Additional Government Pleader

ORDER

The Petitioner has filed this Writ Petition seeking to quash the impugned application bearing No.TN-7202307192757, dated 19.07.2023 issued by the third respondent and to direct the third respondent to issue legal heir certificate.

2. Heard Mr.M.Prabhakaran, learned counsel appearing for the petitioner, Mr.SRA.Ramachandran, learned Additional Government Pleader appearing for the respondents 1 to 3.

3. Considering the nature of the order proposed to be passed, protecting the interest of the fourth respondent also, notice to the fourth respondent is dispensed with. By consent, this writ petition is disposed of at the admission itself.



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4.The case of the petitioner is that M.Viji is the registered power agent of one Akshay, S/o.Murugan vide registered power of attorney bearing document No.2087 of 2023, dated 05.07.2023. His principal namely Akshay's grandfather namely Ganesan was died on 01.12.1994, leaving behind his legal heirs namely Sakkubai, Latha, Suha and Uma. At this juncture, the above on 27.02.2008 and Sudha was died on 15.11.2013. His Principal namely Akshay who is the son of the above said Latha has applied for Legal Heir certificate for her grandfather namely Ganesan. The fourth respondent, who is a younger sister of the above said Latha is presently living in Chinnalapatti, but the third respondent without giving sufficient opportunity conducted an enquiry, rejected the application No.TN-7202307192757, dated 19.07.2023.

5. The learned Additional Government Pleader appearing for the respondents would submit that the matter may be remanded back to the respondents for fresh consideration.

6. Recording the submission made by the learned Additional Government Pleader, the impugned application No.TN-7202307192757, dated 19.07.2023 issued by the third respondent is set aside and the matter is remanded back to the respondents for fresh consideration. The petitioner is directed to produce the valid documents before the



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respondents, to prove their succession to the said deceased person. The respondents are directed to conduct a fresh enquiry and pass appropriate orders on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet: Yes/No
am

29.01.2024

To

- 1.The District Collector,
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V.BHAVANI SUBBAROYAN, J.

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