



W.P.(MD)No.4494 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4494 of 2025

B.Shasikala

... Petitioner

-VS-

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Peraiyur Taluk, Madurai District.

3.The Revenue Inspector,
Peraiyur Taluk, Madurai District.

4.The Village Administrative Officer,
Poosalpuram, Peraiyur Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 to 4 to issue legal heir certificate to the petitioner for her demised brother-in-law namely, Bhagyaraj by considering petitioner's representation dated 03.02.2025, within time stipulated by this Court.



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W.P.(MD)No.4494 of 2025

For Petitioner : Mr.K.Dinesh
For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents 2 to 4 to issue legal heir certificate to the petitioner for her demised brother-in-law namely, Bhagyaraj by considering the petitioner's representation dated 03.02.2025.

2. Heard both sides. With the consent of both sides, this Writ Petition is disposed of, at the admission stage itself.

3. According to the petitioner, she was married to one Boomiraja, who passed away on 27.11.2023, leaving behind the petitioner and two children. Thereafter, she continued to live with her children in her husband's house under the protection and care of her brother-in-law, Bhagyaraj. Subsequently, the said Bhagyaraj passed away on 07.10.2024. Thereafter, the petitioner applied for the issuance of a legal heirship certificate, but her application was rejected by the respondents without prior notice to her. Hence, the petitioner submitted a detailed



W.P.(MD)No.4494 of 2025

representation to the respondents on 03.02.2025, requesting the issuance of the legal heirship certificate, with a due enquiry in the manner prescribed by law. Since no action has been taken, the petitioner has now approached this Court with the present Writ Petition.

4. 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 him 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-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the respondents 2 to 4 herein to consider the petitioner's representation dated 03.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as all other persons, who



W.P.(MD)No.4494 of 2025

may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondents to consider the same on its own merits.

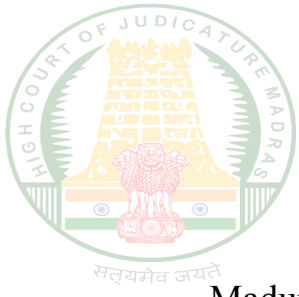
6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
smn2

20.02.2025

To:-

- 1.The District Collector,
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- 2.The Tahsildar,
Peraiyur Taluk, Madurai District.
- 3.The Revenue Inspector,
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- 4.The Village Administrative Officer,
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W.P.(MD)No.4494 of 2025

Madurai District.

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W.P.(MD)No.4494 of 2025

VIVEK KUMAR SINGH, J.

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W.P.(MD)No.4494 of 2025

20.02.2025