



W.P.(MD)No.7976 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.7976 of 2025

W.Suresh Gavaskar

... Petitioner

-VS-

The Thasildar,
Rajapalayam,
Virudhunagar District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of memorandum passed by the respondent in O.Mu.Aa. 1/9750/2023, dated 12.03.2024 and to quash the same as illegal and consequently, direct the respondent to issue the legal heir certificate in favour of the petitioner.

For Petitioner : Mr.K.Sudalaiyandi

For Respondent : Mr.C.Venakesh Kumar
Special Government Pleader



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ORDER

This Writ Petition has been filed seeking to quash the impugned order passed by the respondent, dated 12.03.2024 and consequently, to direct the respondent to issue the legal heirship certificate in favour of the petitioner.

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

3. The learned counsel for the petitioner submits that the petitioner made an application on 16.11.2023, seeking issuance of a legal heirship certificate for his deceased father. However, the respondent, without conducting a fair enquiry or granting an opportunity to the petitioner, passed the impugned order dated 12.03.2024, rejecting the petitioner's application, stating that the petitioner's father's name is shown as 'Willam' in the family card and as 'Alagappadurai' in the death certificate, which contradicts the petitioner's father's service register, where his name is recorded as 'A.David.' The reasons stated by the respondent are highly illegal and liable to be set aside.

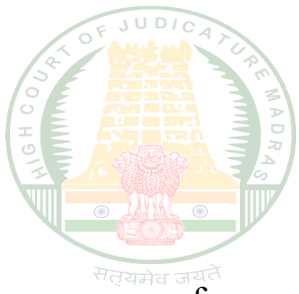


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4. The learned Special Government Pleader appearing for the respondent submits that, against the order passed by the Tahsildar/respondent herein, the petitioner has an appeal remedy before the respective Revenue Divisional Officer within a period of one year from the date of issuance / rejection of the application, as per Clause 7(1) of the guidelines issued by the Principal Secretary to Government in the Annexure to G.O.(Ms)No.478, Revenue and Disaster Management [RA-3(2)] Department, dated 29.09.2022. However, instead of invoking the said appeal remedy, the petitioner has directly approached this Court.

5. Recording the submission made by the learned Special Government Pleader that the petitioner is having an appeal remedy before the respective Revenue Divisional Officer as per Clause 7(1) of the guidelines issued by the Principal Secretary to Government in the Annexure to G.O.(Ms)No.478, Revenue and Disaster Management [RA-3(2)] Department, dated 29.09.2022, this writ petition is disposed of, with liberty to the petitioner to approach the appellate authority and raise all the grounds raised in this writ petition in the appeal. In the event, if any appeal is filed within a period of two weeks from the date of receipt



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of a copy of this order, the appellate authority shall entertain the appeal without reference to the period of limitation and dispose of the same 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 may be interested in the subject matter, within a period of three months thereafter. 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 Revenue Divisional Officer concerned to consider the same on its own merits. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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24.03.2025

To:-

The Thasildar,
Rajapalayam,
Virudhunagar District.



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VIVEK KUMAR SINGH, J.

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