



W.P.(MD)No.11239 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.11239 of 2025

and

W.M.P.(MD)No.8378 of 2025

Samsath

... Petitioner

-VS-

The Thasildar,
Tirunelveli 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 relating to the impugned order of the respondent passed in petitioner's online application No. TN-720250320535, dated 20.03.2025 and quash the same consequently, direct the respondent to grant legal heir certificate for the petitioner's deceased mother Rahiman Beevi within a time fixed by this Court.

For Petitioner : Mr.R.S.Sivaram

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 20.03.2025 and consequently, to direct the respondent to issue the legal heirship certificate for the petitioner's deceased mother Rahiman Beevi.

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 26.09.2023, seeking issuance of a legal heirship certificate for her deceased mother. The same was rejected by the respondent based on the report of the Village Administrative Officer, Revenue Inspector and the Deputy Tahsildar. Again, the petitioner made an online application on 20.03.2025. However, the respondent, without conducting a fair enquiry or granting the petitioner an opportunity to be heard, passed the impugned order dated 20.03.2025, rejecting the petitioner's application on the ground that the petitioner's father had two wives and her mother had two husbands. Hence, the present Writ Petition.



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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



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event, if any appeal is filed within a period of two weeks from the date of receipt of a copy of this order, the appellate authority shall entertain the appeal 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. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
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22.04.2025

To:-

The Thasildar,
Tirunelveli District.



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VIVEK KUMAR SINGH, J.

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