

W.P.(MD).No.31216 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.31216 of 2024

Thavamani

... Petitioner

-VS-

The Thasildar,
Madurai East,
Office of the Madurai East Taluk,
Y.Othakadai,
Madurai – 625 107.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned rejection order made by the respondent vide proceedings in Na.Ka.No.2443/2023/Aa3 dated 23.06.2023 and to quash the same as illegal and arbitrary and consequently directing the respondent to issue legal heir certificate to the petitioner and his sister namely, Perambi as per the G.O. (Ms).No.110 dated 13.03.2024 by considering his representation cum application dated 12.04.2023 within the time stipulated by this Court.

For Petitioner : Mr.A.Balaji

For Respondent : Mr.K.S.Selva Ganesan,
Special Government Pleader



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ORDER

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This writ petition has been filed challenging the impugned rejection order made by the respondent vide proceedings in Na.Ka.No.2443/2023/Aa3 dated 23.06.2023 with a consequential direction to the respondent to issue legal heir certificate to the petitioner and his sister namely, Perambi as per the G.O.(Ms).No.110 dated 13.03.2024, by considering his representation cum application dated 12.04.2023 within the time stipulated by this Court.

2. The case of the petitioner is that the petitioner's father namely, Chinnakannan, died on 23.02.2017 and his brother, namely, Mookkan and the wife of the said Mookkan, namely, Ayyammal was died on 08.11.2018 and 20.02.2021 respectively. Since the said Mookkan and Ayyammal have no issues, they treated the petitioner and his sister as their legal heirs. In their ration card and bank accounts also, the names of the petitioner and his sister have been incorporated as their legal heirs and nominees respectively. Further, the petitioner and his sister had taken care of them till their last breath.

3. The further case of the petitioner is that when the petitioner applied for issuance of legal heirship certificate for the said Ayyammal, the same was



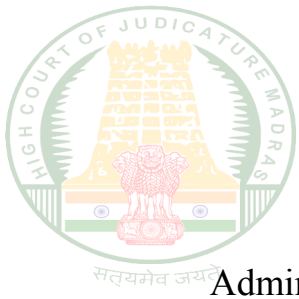
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returned directing the petitioner to apply through online. While applying through online for issuance of legal heirship certificate, there is no column mentioned for the Class II legal heir. Hence, the petitioner made a representation dated 12.04.2023 and also filed a writ petition before this Court in WP(MD)No.18866 of 2023 seeking for issuance of legal heirship certificate and the writ petition was dismissed by giving liberty to the petitioner to challenge the impugned order, wherein it is stated that that there is no power for the respondent to issue the Class II legal heirship certificate and the petitioner can get remedy before the appropriate civil Court. Challenging the same, this writ petition came to be filed.

4. The learned counsel appearing for the petitioner submits that certain guidelines have been issued by the Government in G.O.Ms.No.110, Revenue and Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 13.03.2024 for issuance of Class II legal heirship certificate for Class II legal heirs.

5. The learned Additional Government Pleader appearing for the respectively submits that as per the aforesaid Government Order in G.O.Ms.No.110, Revenue and Disaster Management, Revenue



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Administration Wing, RA-3(2) Section, dated 13.03.2024, the request of the petitioner would be considered and orders would be passed in accordance with law.

6. Heard the learned counsel on either side and perused the materials placed before this Court.

7. On perusal of the records, it is seen that the Government, in G.O.Ms.No.110, Revenue and Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 13.03.2024, has issued certain guidelines for issuance of Class II legal heirship certificate for Class II legal heirs. As per the said Government Order, the respondents can consider the petitioner's application and pass appropriate orders in this regard.

8. Considering the submissions made on either side and also considering the facts and circumstances of this case, the impugned order dated 23.02.2023 is liable to be set aside and accordingly, the impugned order dated 23.02.2023 is set aside. The matter is remanded back to the respondent for a fresh consideration and the respondent is directed to consider the petitioner's representation dated 12.04.2023 afresh and pass appropriate



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orders on merits and in accordance with law and also as per G.O.Ms.No.110, Revenue and Disaster Management, Revenue Administration Wing, RA-3(2) Section, dated 13.03.2024, within a period of four months from the date of receipt of a copy of this order.

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

17.03.2025

NCC : Yes/No
Index : Yes / No
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TO:-

The Thasildar,
Madurai East,
Office of the Madurai East Taluk,
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VIVEK KUMAR SINGH, J.

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Order made in
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Dated:
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