



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2015

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.11944 of 2015

Ahamadha

W/o.Kadhar Meera

... Petitioner

Vs.

The Tahsildar,
Madurai East Taluk,
Madurai.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned order of the respondent in his proceedings in O.Mu.4610/15/E2 dated 4.7.2015, and quash the same as illegal, consequently to direct the respondent to issue a legal heir certificate as sought for by the petitioner, on the basis of her application dated 10.6.2015.

For Petitioner

: Mr.D.Venkatesh

For Respondent

: Mr.S.Chandrasekar

Government Advocate

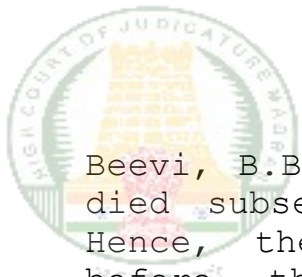
ORDER

This writ petition has been filed to quash the impugned order passed by the respondent in his proceedings in O.Mu.4610/15/E2 dated 4.7.2015, and consequently to direct the respondent to issue legal heir certificate, as sought for by the petitioner in her application dated 10.6.2015.

2. Mr.S.Chandrasekar, learned Government Advocate takes notice for the respondent.

3. By consent, this Writ Petition itself is taken up for final disposal.

4. It is stated in the affidavit that the petitioner's grandfather, namely, S.K.Buhardeen died on 10.07.1963 leaving behind him, four persons, namely, B.Mohammed Ibrahim, B.Hameedha



Beevi, B.Bazeera and B.Katheeja Beevi. All the above legal-heirs died subsequent to the death of the petitioner's grandfather. Hence, the petitioner submitted an application on 10.06.2015 before the respondent seeking legal-heir certificate. The respondent forwarded the said application to the Revenue Inspector, Kunnathur for getting proper report. The Revenue Inspector conducted an enquiry and submitted a report dated 30.06.2015 in favour of the petitioner. During enquiry, the Kalimangalam Muslim Uravinmurai Jamaath and Hasanathul Jaria Madarasha and the President, Kalimangalam Panchayat gave a certificate dated 15.06.2015 certifying that the above referred deceased persons are the legal heirs of the petitioner's grandfather. Thereafter, the respondent instead of issuing the legal-heir certificate, passed the impugned order rejecting the petitioner's application and directed the petitioner to approach the Court for getting legal-heir certificate. Hence, the petitioner has come before this Court.

5. The learned counsel appearing for the petitioner would submit that without any opportunity of hearing to the petitioner, the impugned order came to be passed. Further, the learned counsel submitted that being the only surviving legal-heir of the deceased, the petitioner was never called for to appear before the authority for conducting any enquiry. Hence, the impugned order has to be quashed.

6. On the other hand, the learned Government Advocate appearing for the respondent submitted that the impugned order passed by the respondent is valid in law.

7. Admittedly, there is no opportunity of hearing given to the petitioner. Hence, the impugned order is set aside and the matter is remitted back to the respondent to conduct proper enquiry after giving due opportunity to the petitioner as well as any of the interested parties. During enquiry, the petitioner is directed to produce necessary documentary evidences, which shall be considered and orders be passed on merits and in accordance with law. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar



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To

The Tahsildar,
Madurai East Taluk, Madurai.

+1cc to MR.D.Venkatesh, Advocate Sr.No.38200

+1cc to Spl.Government Pleader Sr.No.38233

skn

AA/22.07.2015/3p-4c/

W.P. (MD) No.11944 of 2015
14.07.2015