

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.15948 of 2017

1.Shakila Banu
 2.Nafiza Begum @ Deepti
 3.Master D.J.Retheck
 (Petitioners 2 and 3 are impleaded by KRCBJ
 by order dated 06.12.2017 in WMP No.20998/2017
 in W.P.No.15948/2017) ...Petitioners

Vs

1.The Tahsildar,
 Aminjikai Taluk,
 Chennai.

2.Deepthi

(R2 impleaded as per order dated 06.12.2017
 by KRCBJ in WMP No.31118/2017 in W.P.No.15948/17)

...Respondents

Prayer:-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 of the proceedings in ROC C2 2210/2017 dated 26.05/2017 on the file of the first respondent and to quash the same as illegal, incompetent and without jurisdiction and consequently direct the respondent to issue a legal heirship certificate to the petitioner and her minor son Iqbal.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.R.Govindasamy for R1
 Special Government Pleader
 Mr.B.Eswaran for R2

ORDER

The first petitioner is the mother and the second and third petitioners are her children. They are aggrieved against the order of the first respondent/Thasildar dated 26.05.2017, rejecting the first petitioner's application dated 13.04.2017, seeking for issuance of legal heirship certificate in pursuant to the death of her husband by name Javid Iqbal.

2.Heard Mr.V.Raghavachari, learned counsel appearing for the petitioners and the learned Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent.

3.The first respondent has chosen to reject the request of the petitioner's application only based on the objection raised by the second respondent herein. The grievance of the petitioners before this Court is that before passing the impugned order, the first respondent has not given any opportunity of hearing to the petitioners and therefore, it violates the principles of natural justice.

4.Learned counsel appearing for the second respondent fairly submitted that the matter may be remitted back to the first respondent for considering the matter afresh, after giving due opportunity of hearing to both parties viz., the petitioner on one side and the second respondent on

the other side. Accordingly, without expressing any view on the merits and contentions raised by both parties, this writ petition is allowed and the impugned order is set aside, only on the reason that the same was passed in violation of the principles of natural justice. Consequently, the matter is remitted back to the first respondent for hearing the matter afresh and for passing orders on merits and in accordance with law, after hearing both parties viz., the petitioner and the second respondent. Such exercise shall be done by the first respondent within a period of six weeks from the date of receipt of a copy of this order. No costs.

12.12.2017

Speaking/Non Speaking

Index : Yes / No

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सत्यमेव जयते

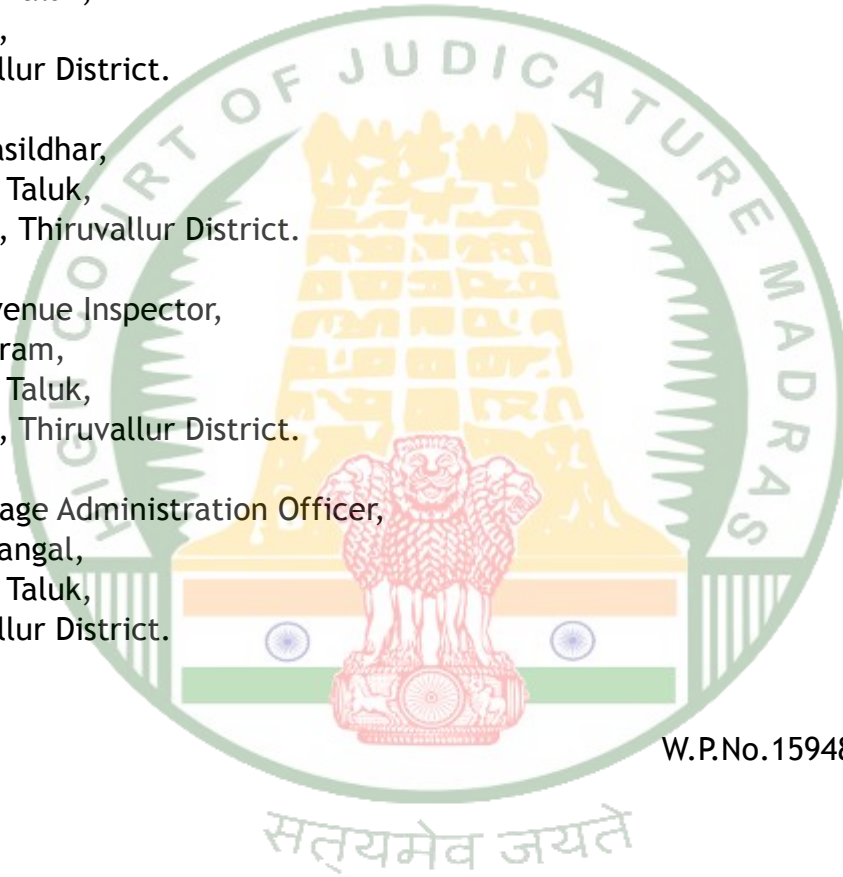
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K.RAVICHANDRABAABU,J.

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To

- 1.The Revenue Divisional Officer,
(incharged Sub Collector),
Ponneri Taluk,
Ponneri,
Thiruvallur District.
- 2.The Thasildhar,
Ponneri Taluk,
Ponneri, Thiruvallur District.
- 3.The Revenue Inspector,
Sholavaram,
Ponneri Taluk,
Ponneri, Thiruvallur District.
- 4.The Village Administration Officer,
Attanthangal,
Ponneri Taluk,
Thiruvallur District.



W.P.No.15948 of 2017

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