



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2017

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P. (MD) No.22909 of 2017

A.Davamani

... Petitioner

Vs.

1. The Tahsildar,
Thiruparankundram Taluk,
Madurai District.

2. The Revenue Inspector,
Thiruparankundram Taluk,
Madurai District.

... Respondents

Prayer: Writ 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 order in Mu.Mu.No.6346/2017/D dated 20.07.2017 passed by the 1st Respondent and to quash the same as illegal and consequently direct the 1st respondent to provide legal heir certificate of petitioner's grandfather namely Alagu Ambalam.

For Petitioner : Mr.C.M.Arumugam

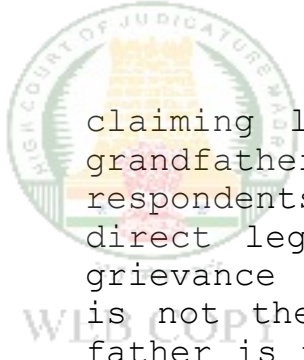
For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Mr.J.Gunaseelan Muthiah, learned Government Advocate, takes notice for the respondents.

3. According to the petitioner, his grandfather, one Alaguambalam, died in the year 1989, leaving behind his son, namely Alagarsamy and subsequently, the said Alagarsamy/petitioner's father died in the year 1998. As the petitioner's father is no more, no direct legal heir is available, at present, for his grandfather and being one of the legal heirs of the said Alagarsamy, the petitioner has submitted a petition



claiming legal heir certificate for his father as well as his grandfather. The said petition came to be rejected by the respondents, on the sole ground that the petitioner is not the direct legal heir of the said Alaguambalam. It is the specific grievance of the petitioner that if his father is alive, then he is not the direct legal heir. But, in the present case, as his father is no more, necessarily, he has to apply for legal heirship for his father as well as his grandfather. Without ascertaining these factors, straight away, without hearing him, the present impugned order came to be passed. Aggrieved over the same, the present petition came to be filed.

4. Heard the learned Counsel on either side and perused the documents placed on record.

5. Though the learned Counsel for the petitioner has raised several grounds in this petition, the main point urged by him is that the impugned order came to be passed, without affording him an opportunity, to put forth his case. A perusal of the impugned order does not disclose the details with regard to the opportunities afforded by the authorities to the petitioner.

6. It is the bounden duty of the authorities to pass orders on the application of the petitioner, in either way, without violating the principles of natural justice. Whereas, in the present case on hand, without providing him an opportunity of hearing, the authorities had passed the present impugned order. On that sole ground alone, the impugned order would not stand in the eye of law.

7. In result, this writ petition is allowed. The impugned order dated 20.07.2017 is set aside and the matter is remitted back, for fresh consideration, to the first respondent, who shall pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as all the other interested parties, if any, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Tahsildar,

<https://hcservices.hcscourts.gov.in/hcservices/>
Alaguambalam Taluk,
Madurai District.



2. The Revenue Inspector,
Thiruparankundram Taluk,
Madurai District.

+1 cc TO Mr.C.M.Arumugam , Advocate in SR No. 92675

+1 cc TO The Special Government Pleader in SR No. 93128

gk

AE/SV MMS/SAR2/04.01.2018/3P/5C

W.P. (MD) No.22909 of 2017
14.12.2017