

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.25932 of 2017

ORDER:

Petitioner No.1 claims as wife and petitioners 2 and 3 claim as daughter and son respectively of late Lt. Col. P. Balakrishna Murthy. Petitioners applied to the Mandal Revenue Officer, Kapra Mandal, second respondent, for issuance of Family Member Certificate. By endorsement uploaded on the website as disclosed by the Mee Seva, the application was rejected on the ground “as per report, the applicant has not submitted relevant document hence rejected”. The information given in the Mee Seva does not disclose the reasons for rejection. In other words, it is silent as to the documents submitted by petitioners to claim Family Member Certificate.

2. Learned counsel would contend that as per the Government instructions, the certificate cannot be issued, if family pension is already paid. If that is what persuaded the authority to reject the request, the same ought to have been mentioned to enable the parties to work out the remedies in law whereas endorsement, as mentioned above, was on the ground of non-submission of documents, without specifying documents which are required to be submitted. Thus, the endorsement *per se* rejecting the request is not valid in law. It is liable to be set aside. It is accordingly set aside.

3. Matter is remitted to the Mandal Revenue Officer, Kapra Mandal, second respondent, to examine the claim of petitioners for

issuance of Family Member Certificate. According to the Mandal Revenue Officer, the documents already presented are not in proper form, if he requires some more documents, he may specify and inform parties to produce relevant documents. If for any other reason, authority is not in favour of granting certificate, he shall take appropriate decision by assigning due reasons and communicate the same to parties. If the documents as required are furnished and petitioners are entitled for issuance of certificate, the same shall be issued without further delay. The entire process shall be completed within four weeks from the date of this order.

4. Writ Petition is accordingly allowed.

Pending miscellaneous applications, if any, shall stand closed in consequence.



P. NAVEEN RAO, J

4th AUGUST, 2017.

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