

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.26513 OF 2017

DATED : 09.08.2017

Between :

P. Narayana Reddy S/o.Late Satyanarayana,
Aged about 34 yrs, Occu : Agriculture,
R/o.H.No.1-38/A, Near Bharathi School,
Tripuranthakam Village & Mandal,
Prakasam District, Andhra Pradesh.

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Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary to Revenue Department,
Velagapudi Secretariat Building, Amaravati,
Guntur District, Andhra Pradesh & others.

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Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioner claims to be adopted son of late P.Satyanarayana. According to the petitioner, his adopted father first married Narayanamma. As they were not blessed with children, with the consent of first wife, he married another lady by name Balamma, where the second wife was also not blessed with children and therefore adopted the petitioner. Adoption deed was registered on 15.11.1999. His father while working as Senior Assistant in the Revenue Department died on 06.10.2016. Since his death occurred while he was in service, petitioner applied for provision of employment on compassionate grounds. At that stage, petitioner was asked to produce family member certificate. Accordingly, petitioner applied to the Tahsildar, Tripuranthakam Mandal, Prakasam District (3rd respondent) to issue family member certificate. By endorsement dated 19.12.2016 the said request of the petitioner was rejected on the ground that an objection was raised for issuance of family member certificate. Petitioner submitted further representation on 24.07.2017 enclosing all the relevant documents in support of his claim and requested to reconsider the issue of family member certificate. Alleging inaction on the said representation, this writ petition is filed.

3. Learned counsel for the petitioner submits that petitioner was not put on notice when the rejection endorsement was made and the same was not communicated to the petitioner. If only an opportunity was afforded on the alleged objection made by third

parties, who was no way concerned with the family, petitioner would have satisfied the 3rd respondent of his claim for issuance of family member certificate.

4. A reading of the endorsement dated 19.12.2016 does not disclose affording of opportunity to the petitioner before accepting the objection and passing an order. Thus, the decision of the 3rd respondent is not sustainable.

5. Having regard to the same, since petitioner made subsequent representation enclosing all the documents in support of his claim, the Tahsildar-3rd respondent is directed to examine the claim of the petitioner for issuance of family member certificate on due consideration of the documents filed by the petitioner. It is needless to observe that the 3rd respondent shall also cause notice on the person who raised objection earlier for issuance of family member certificate, consider the objections, if any, made and on due consideration of the respective submissions, take appropriate decision as warranted by law and communicate the same to the petitioner. The entire exercise shall be completed within a period of two (2) months from the date of receipt of copy of this order.

6. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

09th August, 2017
Rds

P.NAVEEN RAO,J