

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.10.2018
CORAM
THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.28849 of 2018

A.Poonguzhali

... Petitioner

Vs

1.The Revenue Tahsildar,
Taluk Office,
Cuddalore District.

2.The Village Administrative Officer,
Manjakuppam,
Cuddalore Taluk,
Cuddalore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus, to call for the records of the impugned order of the 2nd respondent dated 12.06.2018 and quash the same and consequently direct the respondents to issue the legal heir certificate to the petitioner without insisting upon the legal heirs of the 1st wife.

For Petitioner : Mr.N.Naganathan

For Respondent : Mr.E.Balamurugan
Special Government Pleader

ORDER

Mr.E.Balamurugan, learned Special Government Pleader takes notice for the respondents. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2.The prayer sought for in this writ petition is to quash the impugned order of the second respondent dated 12.06.2018 and consequently direct the respondents to issue legal heir certificate to the petitioner, without insisting upon the legal heirs of the first wife.

3. According to the learned counsel for the petitioner, the petitioner submitted an application dated 25.05.2018 to the second respondent, for issuance of legal heir certificate of the deceased K.S.Antonyswamy. However, the second respondent has rejected the petitioner's application on 12.06.2018 without considering the documents and opportunity of hearing, but, insisted her to submit No Objection Certificate obtained from

her husband's first wife and 4 sons. Challenging the same, the petitioner is before this Court.

4. The learned Special Government Pleader appearing for the respondent, submitted that the respondent would re-consider the application of the petitioner on merits and in accordance with law.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, by setting aside the impugned order directs the respondent to re-consider the petitioner's application dated 25.05.2018 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioner as well as any of the interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

ms

To

1. The Revenue Tahsildar,
Taluk Office,
Cuddalore District.

2. The Village Administrative Officer,
Manjakuppam,
Cuddalore Taluk,
Cuddalore District.

+1cc to Mr.N.Naganathan, Advocate, S.R.No.74682

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rrs 22/11/2018