

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.3852 of 2019

and

WMP.Nos.4280 & 4282 of 2019

Tmt. Murukayal

...Petitioner

.Vs.

1. The Revenue Divisional Officer,  
Gobichettipalayam,  
Erode District.
2. The Tashildar,  
Sathyamangalam Taluk,  
Erode District.
3. The Commissioner for  
Municipal Administration,  
Chepauk,  
Chennai - 600 005.
4. The Regional Director of Municipality,  
Regional Municipal Office,  
Tiruppur,  
Tiruppur District.
5. The Commissioner,  
Punjai pulliyampatti Municipality,  
Sathyamangalam Taluk,  
Erode District.
6. Tmt. Rajammal

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the 1<sup>st</sup> respondent in his proceeding Na.Ka.No. 8009/2018/E2 dated

11.10.2018 and quash the same and consequently direct the 3 to 5<sup>th</sup> respondents to settle the terminal benefits of deceased P.Arumugam to the petitioner and 6<sup>th</sup> respondent in accordance with law.

For Petitioner : M/s.K.Raja

For Respondents : Mr.A.N.Thambidurai  
Special Government Pleader,  
for R1 to R4

O R D E R

The order issued by the 1<sup>st</sup> respondent dated 11.10.2018, cancelling the legal heir certificate issued by the original authority is under challenge in the present writ petition.

2. The Tashildar, who is the Original authority issued a legal heir certificate in favour of the writ petitioner including her name as wife of Late P.Arumugam and the 6<sup>th</sup> respondent is the mother of the Late P.Arumugam. However, the 6<sup>th</sup> respondent/mother of the Late P.Arumugam, preferred an appeal before the Revenue Divisional Officer, Gobichettipalayam, Erode District, who in turn cancelled the legal heir certificate without conducting any enquiry and providing an opportunity to the writ petitioner. The learned counsel for the writ petitioner states that no notice or opportunity was provided to the writ petitioner even to submit her defence statement and the documents and therefore, the impugned order is in violation of the principles of natural justice.

3. Even the learned special Government Pleader, who is appearing for the Respondents 1 and 5 is unable to establish that an opportunity or a notice was issued to the writ petitioner before passing the impugned order, cancelling the legal heir certificate.

4. In such circumstances, this Court is of the considered opinion that the present case is fit case for promotion. Accordingly, the impugned order passed by the Revenue Divisional Officer in proceedings dated 11.10.2018, is quashed and the 1<sup>st</sup> respondent is directed to issue a Show Cause Notice, fixing a date for enquiry and after conducting the enquiry and by affording an opportunity to the writ petitioner, pass orders on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.

5. With this direction, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Kmm/kak

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,  
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Erode District.
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5. The Commissioner,  
Punjai pulliyampatti Municipality,  
Sathyamangalam Taluk,  
Erode District.

+1cc to Mr.K.Raja, Advocate, S.R.No.11591/19  
+1cc to the Government Pleader, S.R.No.12835

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and  
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Kak(12/03/2019)