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WP.(MD) No.7064 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2020

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THE HON'BLE **MR.JUSTICE C.SARAVANAN**

W.P. (MD) No.7064 of 2020

and

W.M.P. (MD) .No.6500 of 2020

(Through Video Conferencing)

K.Jenathnisha

... Petitioner

Vs.

1.The Tahsildar,
Nilakottai, Dindigul District.

2.The Village Administrative Officer,
Nilakottai, Dindigul 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 pertaining to the impugned communication of the 1st respondent proceedings vide Na.Ka.No.1375/2020/A5 dated 03.03.2020 and quash the same as illegal and consequently direct the 1st respondent to issue a legal heir certificate of the deceased P.Kamaal excluding the heirs of the predeceased within the time that may be stipulated by this Hon'ble Court.

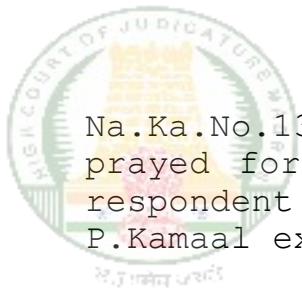
For Petitioner : Mr.C.Venkatesh Kumar for
M/s.Ajmal Associates

For Respondents : Mr.S.Angappan,
Government Advocate

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

2. In this Writ Petition, the petitioner has challenged the impugned order dated 03.03.2020 bearing reference



Na.Ka.No.1375/2020/A5 of the 1st respondent. The petitioner has also prayed for quashing the said impugned order and to direct the 1st respondent to issue a legal heir certificate of the deceased P.Kamaal excluding the heirs of the predeceased

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3. By impugned order, the 1st has rejected the request of the petitioner for issuing legal heirship certificate of the deceased P.Kamaal. According to the petitioner, the said deceased P.Kamaal is the husband of petitioner who died on 23.12.2018.

4. Since the impugned order has been passed placing reliance on the report dated 24.02.2020 of the 2nd respondent Village Administrative Officer, copy of which was not furnished to the petitioner, I am inclined to quash the impugned order and remit the case back to the 1st respondent to pass a fresh order within a period of two months from the date of receipt of a copy of this order.

5. The 1st respondent shall also furnish a copy of the report dated 24.02.2020 of the 2nd respondent Village Administrative Officer to the petitioner within a period of ten days from the date of receipt of a copy of this order. The petitioner may also be heard if any adverse order is proposed to be passed.

6. This Writ Petition stands disposed of with the above observations. No cost. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

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2.The Village Administrative Officer,
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