



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.15289 of 2020

and WMP (MD)No.12848 of 2020

WEB COPY

Shanmugavalli

... Petitioner

Vs

The Tahsildar,
Tahsildar Office,
Manamadurai Taluk,
Sivagangai District-630 606.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order passed by the respondent in Application Number: TN-7202008192407, dated 19.08.2020 and quash the same and consequently direct the respondent to issue legal heir certificate to the petitioner as per Hindu Succession within stipulated time fixed by this Court.

For Petitioner : Mr.R.Senthilkumar

For Respondent : Mr.M.Rajarajan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order dated 19.08.2020 passed by the respondent in the application filed by the petitioner seeking for legal heir certificate for his son named Ajith who died on 27.07.2020 in a road accident.

2.Heard Mr.R.Senthilkumar, learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Additional Government pleader appearing for the respondent.

3.It is case of the petitioner that she is the only class-I legal heir for her deceased son, namely Ajith, who died as a bachelor in a road accident at Manamadurai on 27.07.2020. Under the impugned order, the respondent has rejected the application on the ground that the wife of the petitioner's son was not included in the application submitted by the petitioner for legal heirship certificate.

4.It is the contention of the petitioner that her son died on 27.07.2020 in a road accident as bachelor. Therefore, by total non
<https://hcservices.ecourts.gov.in/hcservices/>



application of mind, the impugned order has been passed rejecting the application on the ground that the wife of the petitioner's son has not been included in the application submitted by the petitioner for legal heirship certificate. Therefore, the impugned order is arbitrary, illegal and it has been passed by total non application of mind.

5.For the foregoing reasons, the impugned order dated 19.08.2020 is hereby quashed. The matter is remanded back to the respondent for fresh consideration, who shall pass final orders on merits and in accordance with law, after giving sufficient opportunity to the petitioner as well as other necessary parties within a period of eight weeks from the date of receipt of a copy of this order.

6.With the aforementioned direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

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.

To

The Tahsildar,
Tahsildar Office,
Manamadurai Taluk,
Sivagangai District-630 606.

+1 CC to the SPL GP SR-21794.

W.P. (MD)No.15289 of 2020

09.11.2020

CK(CO)

CS(23.11.2020) 2P 3C