



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.15261 of 2020

and

W.M.P.(MD).No.12816 of 2020

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Jeyanthi Jeevarathnam

.. Petitioner

Vs.

The Tahsildar,
Eral Taluk,
Thoothukudi District.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records pertaining to the impugned online Application Status Report dated 01.08.2020 of the respondent and to quash the same and consequently direct the respondent to issue Legal Heirs Certificate to the petitioner's deceased husband A.Feroz Ali.

For Petitioner	:	M/s.Suresh Samson
For Respondent	:	Mr.C.Ramesh Special Government Pleader

ORDER

(This writ petition is heard through Video Conference)

This writ petition has been filed challenging the impugned Online Application Status Report dated 01.08.2020 of the respondent, whereby, the petitioner's application for legal heirship for her deceased husband A.Feroz Ali, was rejected by the respondent.

2.Heard Mr.Suresh Samson, learned counsel for the petitioner and Mr.C.Ramesh, learned Special Government Pleader, who accepts notice on behalf of the respondent.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.The petitioner is the wife of A.Feroz Ali, who died on 08.07.2019. Mr.A.Feroz Ali, died leaving behind the petitioner as well as their minor son Essa as his only legal heir. The petitioner belongs to Christianity and her deceased husband Feroz Ali is a Muslim. According to the petitioner, she applied for Legal Heirship Certificate for her deceased husband Feroz Ali with the respondent on 26.06.2020. But under the impugned Online Status Report, dated 14.07.2020, the respondent has rejected the said application on the



sole ground that the petitioner's husband belongs to the native of Vilupuram District and the petitioner's husband's parents are not residing in the address mentioned in the application, which falls within Thoothukudi District. Aggrieved by the same, this writ petition has been filed.

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5.As seen from the impugned Online Status Report, the respondent has not rejected the request of the petitioner for issuance of Legal Heir Certificate for the deceased Feroz Ali on the ground that there are other legal heirs. The only ground for the rejection is that the petitioner's husband Feroz Ali (deceased) belongs to the native of Vilupuram District and the petitioner's husband's parents are not residing in the address mentioned in the application submitted by the petitioner. Admittedly, the petitioner, who is the wife of the deceased A.Feroz Ali, is residing at 4/7, East Street, Mukupeeri, Thoothukudi - 628 616, within the jurisdiction of the respondent. She has also produced the Aadhaar Card and other relevant documents to prove her place of residence. The respondent could have very well issued notice to the necessary parties including the parents of the deceased Feroz Ali, who according to them are residing at Vilupuram District, before rejecting the request of the petitioner for issuance of Legal Heirship Certificate under the impugned Online Application Status Report, dated 01.08.2020. The respondent arbitrarily and by total non application of mind has rejected the request of the petitioner only on the ground that the deceased parents are residing at Vilupuram. Further as seen from the affidavit filed in support of the writ petition, the petitioner claims that her husband Feroz Ali after their marriage settled down in Thoothukudi District and she is having all the address proofs for her husband only at Thoothukudi District. The respondent mechanically without scrutinising the documents submitted by the petitioner along with the application for legal heirship certificate has rejected the said request only on the ground that the deceased's parents are residing at Vilupuram District. The impugned Online application Status Report dated 01.08.2020, is arbitrary and it has been issued in mechanical manner by total non application of mind. Hence, the impugned Online Application Status Report dated 01.08.2020, issued by the respondent has to be necessarily quashed and the matter remanded back to the respondent for fresh consideration.

6.For the foregoing reasons, the impugned Online Application Status Report dated 01.08.2020, issued by the respondent is hereby quashed and the matter is remanded back to the respondent for fresh consideration. The respondent shall consider the request of the petitioner for issuance of Legal Heirship Certificate for her deceased husband Feroz Ali, after hearing necessary parties and pass final orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



7. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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// True Copy //

Sd/-

Assistant Registrar (CS-I)

/ /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.

To

The Tahsildar,
Eral Taluk,
Thoothukudi District.

+1 CC to SPL GP (SR-21333[F] dated 05/11/2020)

**W.P (MD) .No.15261 of 2020
04.11.2020**

VB (23.11.2020) 3P 3C