



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2020

CORAM

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.15772 of 2020

K.Malukkamali

.. Petitioner

Vs.

The Tahsildar,
Seranmahadevi Taluk,
Tirunelveli District.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent in 9/மு/அ2-3719-2020 dated 29.09.2020 and quash the same as illegal and consequently direct the respondent to issue Legal Heirship Certificate to the petitioner.

For Petitioner : M/s.J.Balameenakshi

For Respondent : Mr.M. Rajarajan, AGP

ORDER

(This writ petition is heard through Video Conference)

This writ petition has been filed challenging the impugned order dated 29.09.2020, passed by the respondent, whereby the petitioner's application for Legal Heirship Certificate for Mrs.Sindha Beevi, was rejected.

2.Heard Ms.J.Balameenakshi, learned counsel for the petitioner and Mr.M.Rajarajan, learned Additional 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.It is the case of the petitioner that his grant father Mr.Adhambhava had one son A.Kuppai Meeran and one daughter A.Sindha Beevi. According to him, Mrs.Sindha Beevi is his aunt. According to him, Mrs.Sindha Beevi has no issues out of her wedlock with one Mr.Kuppai Meeran. It is the case of the petitioner that he has maintained Mrs.Sindha Beevi and her husband Kuppai Meeran.



According to him, Mrs.Sindha Beevi died on 03.06.2011 and her husband Mr.Kuppai Meeran, subsequently died on 24.11.2017. It is his case that he is the only legal heir of Mrs.Sindha Beevi. According to him, he applied for Legal Heirship Certificate for Mrs.Sindha Beevi, on 16.09.2020, before the respondent. Thereafter, enquiry was conducted by the Revenue Inspector as well as the Village Administrative Officer, who have submitted separate reports dated 28.09.2020 stating that Mrs.Sindha Beevi and her husband Kuppai Meeran have died leaving behind no legal heirs. In such circumstances, this writ petition has been filed.

5.By the impugned order, the respondent has rejected the application of the petitioner for issuance of Legal Heirship Certificate for Mrs.Sindha Beevi on the ground that Mrs.Sindha Beevi and Kuppai Meeran have left behind no legal heirs. As seen from the impugned order, the petitioner has not been heard by the respondent before passing the impugned order. The petitioner claims that he is the legal heir of the deceased Mrs.Sindha Beevi, as according to him, she is his aunt. The respondent has passed the impugned order rejecting the application of the petitioner on the ground that Mrs.Sindha Beevi has not left behind any legal heirs. The basis for such a finding has not been disclosed by the respondent in the impugned order. The respondent has also not heard the necessary parties, which includes the petitioner before passing the impugned order.

6.For the foregoing reasons, this Court is of the considered view that the impugned order has been passed arbitrarily without giving sufficient opportunity to the petitioner as well as to other necessary parties. Hence, the impugned order passed by the respondent violates the principles of natural justice.

7.Therefore, the impugned order dated 29.09.2020, passed by the respondent is hereby quashed and the matter is remanded back to the respondent for fresh consideration and the respondent shall pass final orders on merits and in accordance with law, after giving sufficient opportunity to the petitioner as well as to other necessary parties if any, within a period of twelve weeks from the date of receipt of a copy of this order.

8.With the aforesaid directions, this writ petition is disposed of. No costs.

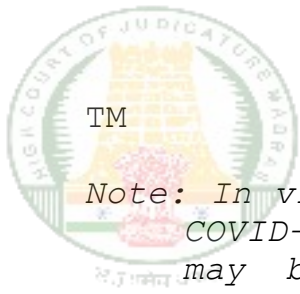
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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,
Seranmahadevi Taluk,
Tirunelveli District.

+1 CC to SPL GP (SR-21943[F] dated 11/11/2020)

W.P (MD) .No.15772 of 2020
10.11.2020

VB (23.11.2020) 3P 3C