



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.15610 of 2020

A.Jeya Durai

... Petitioner

Vs

1. The Tahsildar,
Taluk Office, Sankarankovil Taluk,
Tenkasi District.

2. The Revenue Inspector,
Karivalamvanthanallur,
Sankarankovil Taluk,
Tenkasi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent's impugned memo dated 23.09.2020 in மு.மு.எண்.அ.1/2790/2020 and quash the same and consequently direct the respondents to issue the legal heir certificate of the deceased / the petitioner's husband A.Appa Durai, based on her legal heir application dated 18.08.2020.

For Petitioner : Mr.V.Muthuvelan

For R-1 & R-2 : Mr.C.Ramar

Additional Government Pleader

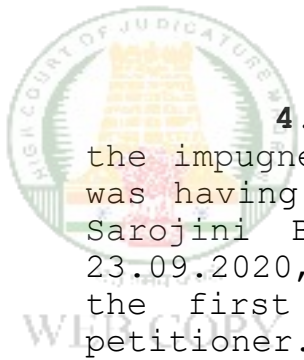
ORDER

(This Petition was heard through the Video Conferencing)

This Writ Petition has been filed challenging the impugned order dated 23.09.2020, rejecting the application submitted by the petitioner for issuance of legal heirship certificate for the petitioner's late husband A.Appa Durai, who died on 04.05.2020.

2. Mr.C.Ramar, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2. By consent of both parties, the main Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard Mr.V.Muthuvelan, learned counsel appearing for the petitioner and Mr.C.Ramar, learned Additional Government Pleader appearing for the respondents 1 and 2.



4. The first respondent has rejected the application under the impugned order on the ground that the deceased A.Appa Durai was having three wives, namely, the petitioner herein, Mallika and Sarojini Bai. However, as seen from the impugned order dated 23.09.2020, the said wives of the deceased have not been heard by the first respondent, before rejecting the application of the petitioner.

5. It is the contention of the petitioner that Sarojini Bai as well as Mallika have given no objection for issuance of legal heirship certificate for the deceased A.Appa Durai. Therefore, without hearing all the necessary parties, the first respondent ought not to have rejected the application of the petitioner under the impugned order, for issuance of legal heirship certificate, for the deceased A.Appa Durai. Therefore, this Court is of the considered view that arbitrarily and by total non application of mind, the impugned order has been passed.

6. For the foregoing reasons, the impugned order dated 23.09.2020, passed by the first respondent, rejecting the petitioner's application, for issuance of legal heirship certificate for the deceased A.Appa Durai, is hereby quashed and the matter is remanded back to the first respondent for fresh consideration, who shall pass final orders on merits and in accordance with law, after hearing all the necessary parties including the petitioner, Sarojini Bai, Mallika and other legal heirs of the deceased A.Appa Durai, if any, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

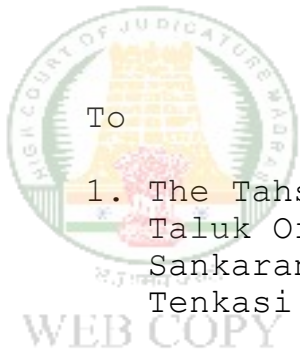
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/ /2020

Sub Assistant Registrar(CS)

tsg

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

1. The Tahsildar,
Taluk Office,
Sankarankovil Taluk,
Tenkasi District.
2. The Revenue Inspector,
Karivalamvanthanallur,
Sankarankovil Taluk,
Tenkasi District.

+1 CC to the SPL GP (SR-21764[F] dated 10/11/2020)

W.P. (MD) No.15610 of 2020
09.11.2020

PU(CO)
CS(20.11.2020) 3P 4C