



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2020

CORAM

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THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P. (MD) No.16281 of 2020
and
W.M.P. (MD) No.13610 of 2020

Esakkiammal

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Tirunelveli Town,
Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in Mu.Mu.A2/1839/2020, dated 08.07.2020 and quash the same as illegal and consequently direct the second respondent to issue legal heir certificate to the petitioner on the basis of her representation, dated 27.05.2020.

For Petitioner : Mr.K.Arunraj

For Respondents : Mr.M.Rajarajan,
Additional Government Pleader.

ORDER

(This petition was heard through video conferencing)

This writ petition has been filed challenging an order, dated 08.07.2020 passed by the second respondent rejecting the petitioner's application for issuance of legal heir certificate for Sundaraththammal, who died on 16.12.2012 and Subbaiah @ Subbaiahdoss, who died on 13.11.2013.

2.Mr.M.Rajarajan, learned Additional Government Pleader accepts notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

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3.It is the case of the petitioner that she is an adopted daughter of the aforesaid deceased persons. According to her, School records and Aadhar Card issued in her favour reveal that Sundaraththammal and Subbaiah @ Subbaiahdoss are her parents. According to her, by total non-application of mind and without giving any opportunity to the petitioner and without examining the documents placed by the petitioner along with her application, the second respondent has passed the impugned order rejecting the plea of the petitioner on the ground that she is not a direct legal heir of the aforesaid deceased persons. In such circumstances, this writ petition has been filed.

4.Heard Mr.K.Arunraj, learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Additional Government Pleader appearing for the respondents.

5.As seen from the impugned order, dated 08.07.2020, the second respondent has not afforded any personal hearing to the petitioner. The documents namely, the School records as well as the Aadhar Card of the petitioner, which reveal that the deceased persons namely, Sundaraththammal and Subbaiah @ Subbaiahdoss are parents of the petitioner, have not been considered by the second respondent. This being the case, principles of natural justice has been violated by the second respondent while passing the impugned order, dated 08.07.2020. The second respondent ought to have considered the School records as well as the Aadhar Card before passing the impugned order. Therefore, this Court is of the considered view that the impugned order has been passed arbitrarily and in violation of the principles of natural justice.

6.For the foregoing reasons, the impugned order, dated 08.07.2020 passed by the second respondent is hereby quashed and the matter is remitted back to the second respondent for fresh consideration. The second respondent shall afford sufficient opportunity of personal hearing to the petitioner and after hearing the necessary parties, shall pass final orders on merits and in accordance with law, within a period of twelve 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.

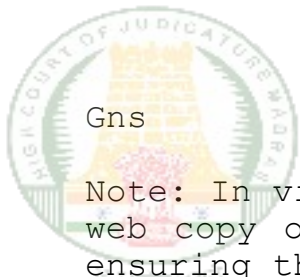
Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Gns

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 District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Tirunelveli Town,
Tirunelveli.

+1 CC to M/s.GP (SR-22385[F] dated 20/11/2020)

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-22162[F] dated 19/11/2020)

W.P. (MD) No.16281 of 2020

PU(CO)

TR(01.12.2020) 3P 5C