



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.12.2020**

CORAM

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD) .No.17462 of 2020

T.Seshan

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Madurai District,
Madurai.

3.The Tahsildar,
Madurai West,
Virattipathu,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the entire records from the 3rd respondent's impugned order TN-7202009152530, dated Nil and quash the same and direct the third respondent to issue the legal heirship certificate to the petitioner's deceased sister T.Venkatam as per law, within a time frame fixed by this Court.

For Petitioner : Mr.R.Ramasamy

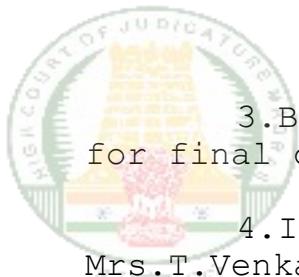
For Respondents : Mr.C.Ramar
Additional Government Pleader

ORDER

(This Matter was heard through the Video Conference)

This Writ Petition has been filed challenging the order, rejecting the petitioner's application for issuance of legal heirship Certificate for his sister Mrs.T.Venkatam, who died on 30.09.2009.

2.Heard Mr.R.Ramasamy, learned counsel for the petitioner and Mr.C.Ramar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.



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 sister Mrs.T.Venkatam, died on 30.09.2009 and her husband, who predeceased her, died in the year 1945. According to the petitioner, Mrs.Venkatam, died issueless. It is the case of the petitioner that he applied for legal heirship certificate through online on 13.09.2020 and without assigning any reasons, the same has been rejected, which has been impugned in this writ petition.

5.Admittedly, as seen from the impugned online communication, without assigning any reasons, the third respondent has rejected the application of the petitioner, seeking for issuance of legal heirship certificate for his deceased sister Mrs.Venkatam, who according to him, died issueless. The petitioner claims that he is a class II Legal heir and entitled for legal heirship certificate for his deceased sister Mrs.Venkatam. While rejecting the application, reasons ought to have been given by the third respondent and a fair hearing should also have been afforded to the petitioner. As seen from the impugned order, which is an online communication, the application for issuance of legal heirship certificate has been rejected without assigning any reason and no opportunity was also granted to the petitioner. Therefore, this Court is of the considered view that principles of natural justice has been violated by the third respondent while passing the impugned order as no fair hearing was given to the petitioner.

6.For the foregoing reasons, the impugned order TN-7202009152530, dated Nil, passed by the third respondent is hereby quashed and the matter is remanded back to the third respondent for fresh consideration. The third respondent shall pass final orders on merits and in accordance with law in the application, dated 13.09.2020, submitted by the petitioner for issuance of legal heirship certificate for his deceased sister Mrs.Venkatam, who died on 30.09.2009, within a period of eight weeks from the date of receipt of a copy of this order, after hearing all the necessary parties.

7.With the aforesaid direction, this writ petition is disposed of. No costs.

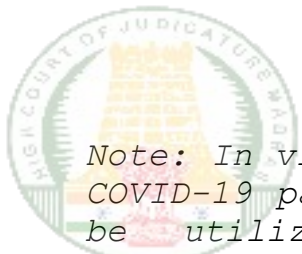
Sd/-

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

- 1.The District Collector, Madurai District, Madurai.
 - 2.The Revenue Divisional Officer, Madurai District, Madurai.
 - 3.The Tahsildar, Madurai West, Virattipathu, Madurai.
- +1 CC to M/s.GP (SR-24283[F] dated 07/12/2020)

W.P (MD) .No.17462 of 2020
03.12.2020

AC (CO)
AP (07/12/2020) 3P 5C