



WEB COPY

W.P(MD).No.17944 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.17944 of 2020

and W.M.P. (MD)No.14954 of 2020

(Through Video Conference)

D.Padmavathy

.. Petitioner

Vs.

The Tahsildar,
Vembakottai Taluk,
Office of the Tahsildar,
Vembakottai,
Virudhunagar District.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed on the petitioner's application by the respondent in TN-720200508341, dated 30.05.2020 and quash the same as illegal and consequently direct the respondent to issue the Legal Heir Certificate of his brother Rama Jegadheesan.

For Petitioner : Mr.A.Balaji
For Respondent : Mr.M.Rajarajan,
Additional Government Pleader

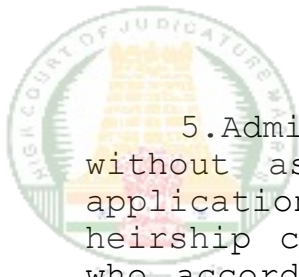
O R D E R

This Writ Petition has been filed challenging the order, rejecting the petitioner's application for issuance of legal heirship Certificate for her brother Rama Jegadheesan, who died on 22.03.2014.

2.Heard Mr.A.Balaji, 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 her brother Mr.Rama Jegadheesan died on 22.03.2014 and his wife, also died on 22.11.2019. According to the petitioner, Mr.Rama Jegadheesan, died issueless. It is the case of the petitioner that she applied for legal heirship certificate through online on 08.05.2020 to the respondent 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 respondent has rejected the application of the petitioner, seeking for issuance of legal heirship certificate for her deceased brother Mr. Rama Jegadheesan, who according to her, died issueless. The petitioner claims that she is a class II Legal heir and entitled for legal heirship certificate for her deceased brother Mr. Rama Jegadheesan. While rejecting the application, reasons ought to have been given by the 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 respondent while passing the impugned order as no fair hearing was given to the petitioner.

6. For the foregoing reasons, the impugned order in TN-720200508341, dated 30.05.2020, passed by the respondent is hereby quashed and the matter is remanded back to the respondent for fresh consideration. The respondent shall pass final orders on merits and in accordance with law in the application, dated 08.05.2020, submitted by the petitioner for issuance of legal heirship certificate for her deceased brother Rama Jegadheesan, who died on 22.03.2014, 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. Consequently, connected W.M.P.(MD) No.14954 of 2020 is closed.

Sd/-

Assistant Registrar

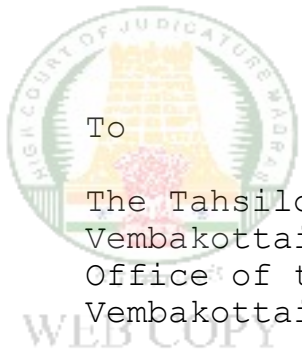
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Sub Assistant Registrar(CS)

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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.



W.P(MD) .No.17944 of 2020

To

The Tahsildar,
Vembakottai Taluk,
Office of the Tahsildar,
Vembakottai, Virudhunagar District.

Order made in
W.P(MD) .No.17944 of 2020

TP (CO)
CS (28.12.2020) 3P 2C