



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2020

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.19030 of 2020

S.Tharthese

.. Petitioner

Vs.

1.The District Collector,
Thiruchirappalli District,
Thiruchirappalli.

2.The Tahsildar,
Lalgudi Taluk,
Thiruchirappalli District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order in Mu.Mu.A2-0891-2020 dated 21.02.2020 on the file of the respondent No.2 and quash the same as illegal and consequently direct the 2nd respondent to issue legal heir certificate of petitioner's father late Saveriyar.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mrs.V.P.M.Vaishnavi
Government Advocate

ORDER

(This writ petition is heard through video conference)

This writ petition has been filed, challenging the order dated 21.02.2020, passed by the second respondent, rejecting the petitioner's application for issuance of a legal heirship certificate for his father Saveriyar, who died on 04.11.1999, at Kallakudi.

2.Heard Mr.R.Venkatesan, learned counsel appearing for the petitioner and Mrs.V.P.M.Vaishnavi, learned Government Advocate, 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 by order dated 21.02.2020, the second respondent has rejected the petitioner's application for issuance of a legal heirship certificate for his father Saveriyar, who died on 04.11.1999, at Kallakudi, on the ground that the application has been submitted after the lapse of 21 years from the date of death of the petitioner's father, who died on 04.11.1999. The reason for rejection of the petitioner's application on the ground of delay is arbitrary and illegal.

5.The impugned order is also a non speaking order. The delay cannot be a reason for refusal of the issuance of legal heirship certificate. The second respondent ought to have conducted proper enquiry before rejecting the petitioner's application. In the case on hand by a non speaking order, the petitioner's application has been rejected by the second respondent only on the ground that there was an enormous delay of 21 years in applying for the issuance of legal heirship certificate for the petitioner's father late Saveriyar, who died on 04.11.1999. Just because there was a delay, the second respondent ought not to have rejected the petitioner's application. Since the reason given by the second respondent for rejection of the petitioner's application is arbitrary and not in accordance with law. The same will have to be quashed and remanded back to the second respondent for fresh consideration on merits and in accordance with law.

6.For the foregoing reasons, the impugned order dated 21.02.2020, passed by the second respondent rejecting the petitioner's application for issuance of legal heirship certificate for his late father Saveriyan, who died on 04.11.1999 is hereby quashed and the matter is remanded back to the second respondent for fresh consideration and the second respondent shall pass final orders on merits and in accordance with law, after hearing all other necessary parties and pass final orders, 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.

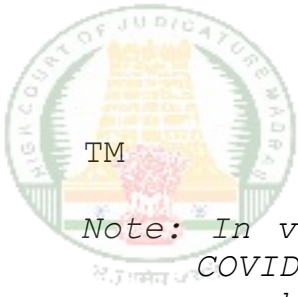
Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

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,
Thiruchirappalli District,
Thiruchirappalli.

2.The Tahsildar,
Lalgudi Taluk,
Thiruchirappalli District.

+1 cc to Mr.R.Venkatesan , Advocate SR.No.26916

**W.P. (MD) .No.19030 of 2020
22.12.2020**

KM (08.01.2021) 3P 4C