

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.1897 of 2021
and
WMP.2146/2021

D.Nirmala

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Petitioner

Vs

1.The Tahsildar,
Arakkonam Taluk,
Ranipet District.

2.The Revenue Inspector,
Arakkonam South, Arakkonam Circle,
Ranipet District.

3.The Village Administrative Officer,
Ammanur Village, Arakkonam Circle,
Ranipet District.

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Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus calling for the records pertaining to the Application No.TN-7202006031145 on the file of the Tahsildar, Arakkonam and quash the same and consequently, direct the first respondent to issue the legal heirship certificate.

For Petitioner

... Mr.K.R.Gunashekar

For Respondents

... Mr.K.Parameshwaran,
Government Advocate

ORDER

This writ petition has been filed challenging the order dated nil passed by the first respondent rejecting the petitioner's application seeking for issuance of legal heirship certificate for her (deceased) husband Dayalan who died on 22.12.2019.

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2. Mr.K.Parameshwaran, learned Government Advocate accepts notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the time of admission itself.

3. It is the case of the petitioner that arbitrarily and by total non application of mind, the impugned order has been passed by the first respondent rejecting the petitioner's application seeking for issuance of legal heirship certificate for her (deceased) husband C.Dayalan who died on 22.12.2019. According to the petitioner, she married Dayalan in the year 1993 i.e., only after the death of C.Dayalan's first wife namely Fathima who died on 14.03.1990. After the death of C.Dayalan on 22.12.2019, the petitioner has applied for legal heirship certificate for her (deceased) husband C.Dayalan to include herself, her children as well as the children of the first wife Fathima as the legal heirs. However, under the impugned order passed by the first respondent through online, the application of the petitioner seeking for issuance of legal heirship certificate for her (deceased) husband C.Dayalan has been rejected without assigning any reason. In such circumstances, this writ petition has been filed.

4. Heard Mr.K..R.Gunashekar, learned counsel for the petitioner and Mr.K.Parameshwaran, learned Government Advocate for the respondents.

5. The first respondent has not considered the fact that the petitioner has married C.Dayalan only after the death of his first wife Fathima who died on 14.03.1990, whereas the petitioner married C.Dayalan in the year 1993. The petitioner has also submitted in her application that the first wife's children, the petitioner's children as well as the petitioner herself has to be included in the list of legal heirs. All these factors have not been considered by the first respondent in the impugned order of rejection through online. Therefore, this Court is of the considered view that the impugned order has been passed arbitrarily and by total non application of mind. Hence the impugned order will have to be necessarily quashed and the matter remanded back to the first respondent for fresh consideration on merits and in accordance with law

6. For the foregoing reasons, the impugned order dated nil passed by the first respondent is hereby quashed and the matter remanded back to the first respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner as well as other legal heirs of the (deceased) C.Dayalan and pass final order on the petitioner's application

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seeking for issuance of legal heirship certificate for her (deceased) husband C.Dayalan 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-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Tahsildar,
Arakkonam Taluk,
Ranipet District.

2.The Revenue Inspector,
Arakkonam South, Arakkonam Circle,
Ranipet District.

3.The Village Administrative Officer,
Ammanur Village, Arakkonam Circle,
Ranipet District.

+lcc to Mr.K.R.Gunashkar, Advocate SR.4904

W.P. No.1897 of 2021

GSM(CO)
CB(10/02/2021)

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