

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.6174 of 2021

and

WMP No.6793 of 2021

Malliga

... Petitioner

Vs

The Thasildar,
Thasildar office,
Krishnagiri post,
Krishnagiri.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records in connection with rejection letter issued by the Tahsildar dated 28.09.2020 in the petitioner application No.TN-720200902569 requesting the Legal heir certificate to the petitioner's family by the respondent and quash the same and consequently direct the respondent to issue legal heir Certificate to the petitioner.

For petitioner ... Mr.K.Thiruvengadam

For respondent ... Mr.K.Parameshwaran
Government Advocate

ORDER

Mr.K.Parameshwaran, learned Government Advocate accepts notice for the respondents.

2. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

3. This writ petition has been filed challenging the order dated 28.09.2020 rejecting the petitioner's application seeking for issuance of Legal Heirship certificate for her deceased husband Kamalesh, who died on 19.01.2020.

4. It is the case of the petitioner that her husband Kamalesh, died on 19.01.2020 due to a road accident leaving behind the petitioner and her only son Chandrapandian as his

only Legal Heir. The petitioner has applied for Legal Heirship certificate for her deceased husband Kamalesh. However, under the impugned order dated 28.09.2020 without assigning any reasons,

the application has been rejected by the respondent. Aggrieved by the same, this writ petition has been filed.

5. Heard Mr.K.Thiruvengadam, learned counsel for the petitioner and Mr.K.Parameshwaran, learned Government Advocate for the respondent.

6. As seen from the impugned order dated 28.09.2020, no reasons have been given by the respondent for rejecting the petitioner's application seeking for issuance of Legal Heirship certificate for her deceased husband Kamalesh, who died on 19.01.2020. The Death Certificate of Kamalesh has also been produced before this Court which confirms that he died on 19.01.2020. By total non application of mind to the documents produced before the respondent, which is also produced before this Court by the petitioner, the respondent has rejected the petitioner's application seeking for issuance of Legal Heirship certificate for her deceased husband Kamalesh. Hence, the impugned order dated 28.09.2020 rejecting the petitioner's application seeking for issuance of Legal Heirship certificate has

to be necessarily quashed and remanded back to the respondent for fresh consideration on merits and in accordance with law.

7. For the foregoing reasons, the impugned order passed by the respondent is hereby quashed and the matter is remanded back for fresh consideration and the respondent shall pass final orders on the petitioner's application seeking for issuance of Legal Heirship Certificate for her deceased husband Kamalesh, on merits and in accordance with law after affording a fair hearing to the petitioner and other necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi2

To
The Thasildar,
Thasildar office,
Krishnagiri post,
Krishnagiri.

+1 cc to The Government Pleader Sr.No. 16087

W.P. No.6174 of 2021

BR(CO)
RMP(31/03/2021)