

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.02.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.3102 of 2021
and
W.M.P.No.3518 of 2021

P.Claramary

... Petitioner

Vs

The Tahsildar,
Katturmannar Koil Taluk,
Cuddalore District

.... Respondent

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 relating to the order passed by the respondent pertaining to the impugned proceedings NIL dated 03.11.2020 in online application number No.TN-7202011032674 quash the same as illegal and consequently directing the respondent to issue a legal heir certificate based on the petitioner's application No.TN-7202011032674.

For petitioner Mr.B.Ramprabhu
For respondents Mr.V.Shanmugasundar
Special Government Pleader

ORDER

Heard Mr.B.Ramprabhu, learned counsel for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader accepts notice on behalf of the respondents.

2. By consent of both the parties, this Writ Petition is taken up for final disposal.

3. This Writ Petition has been filed challenging the order dated 03.11.2020 passed by the respondent rejecting the petitioner's application seeking for issuance of legal heirship certificate for the deceased D.Philomin Arputharaj.

4. According to the petitioner, her husband D.Philomin Arputharaj died on 02.10.2020 due to Covid-19 infection. The petitioner applied for a legal heirship certificate through on-line for her husband on 03.11.2020. According to the petitioner, arbitrarily and by total non-application of mind under a non speaking order, the respondent has rejected the

petitioner's application. In such circumstances, this Writ Petition has been filed.

5. As seen from the impugned order, no reasons have been given for rejecting the petitioner's application seeking for issuance of legal heirship certificate for her deceased husband D.Philomin Arputharaj, who died on 02.10.2020. The petitioner has filed before this Court in the typed set of papers the following documents:

- (a) Copy of the family card of the petitioner.
- (b) Copy of the medical certificate of the petitioner's husband.
- (c) Copy of the death certificate of the petitioner's husband.
- (d) Copy of the on-line application seeking for issuance of legal heirship certificate submitted by the petitioner.

6. As seen from the impugned order, none of the aforementioned documents were taken into consideration by the first respondent before rejecting the petitioner's application seeking for issuance of legal heirship certificate. Therefore, it is very clear that arbitrarily and by total non-application of mind to the aforementioned documents, the impugned order has been passed rejecting the petitioner's application seeking for issuance of legal heirship certificate.

7. For the foregoing reasons, the impugned order dated 03.11.2020 passed by the first respondent is hereby quashed and the matter is remanded back to the respondent 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 D.Philomin Arputharaj, who died on 02.10.2020 on merits and in accordance with law by considering all the aforementioned documents and also by affording a fair hearing to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

srn

To

The Tahsildar,
Katturmannar Koil Taluk,
Cuddalore District
+1cc to Mr.B.Ram Prabhu, Advocate SR.No. 8528

W.P. No.3102 of 2021
and

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