

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2021

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.4089 of 2019

and

W.M.No.4566 of 2019

H.Deivanai

... Petitioner

Vs.

1. The Revenue Divisional Officer (RDO),
Ponneri 601 204.
2. G.Priya
3. The Assistant Labour Commissioner (Central),
Office of the Deputy Chief Labour Commissioner (Central),
No.26, Haddows Raod,
Shastri Bhavan,
Chennai 600 006.
4. The HR.Manager,
TATA Communications Transformation Services Limited,
Pudur, Ambattur,
Chennai.
5. The Tahsildar,
Ponneri.

(R-5 is suo-motu impleaded
vide order dated 01.03.2021
made in W.P.No.4089 of 2019 by AQJ)

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the first respondent pertaining to the order dated 04.01.2019 of the respondent made in file No.3966/2018/A3 quash the same and direct the first respondent to allow the legal heir certificate No.TN-72 01 80 62 71 183 dated 06.07.2018 of the petitioner.

For Petitioner	: Mr.V.Nandagopalan
For Respondent-1	: Mr.K.Parameshwaran Govt.Advocate
For Respondent-2	: Mr.K.Mahendran
For Respondent-3	: Mr.J.Madhanagopal Rao, CGSC
For Respondent-4	: Mr.C.Mohan for M/s.King and Patridge

ORDER

This Writ Petition has been filed challenging the order dated 04.01.2019 passed by the first respondent remanding the matter to the third respondent with regard to the issuance of legal heirship certificate for the deceased H.Ranjith to the Tahsildar, Ponneri.

2. Earlier, on 06.07.2018, the Tahsildar issued a legal heirship certificate for the deceased H.Ranjith disclosing the petitioner and her husband, Hariharan, who are the parents of the deceased, as the only legal heirs excluding the second respondent, who claims to be the wife of the deceased. Aggrieved by the order of the first respondent remitting the matter back to the Tahsildar for fresh consideration, the petitioner has preferred this Writ Petition.

3. According to the petitioner, the second respondent is not the wife of the deceased H.Ranjith. However, before this Court, the learned counsel for the second respondent has filed typed set of papers producing the marriage invitation as well as the marriage certificate to substantiate the second respondent's case that she is the lawfully wedded wife of the deceased H.Ranjith. In the typed set of papers, a legal heirship certificate dated 10.01.2019 issued by the Tahsildar, Ponneri has been produced disclosing the name of the second respondent as also one of the legal heirs of the deceased H.Ranjith.

4. The learned counsel for the second respondent, on instructions, would submit that the legal heirship certificate dated 10.01.2019 was issued by the Tahsildar, Ponneri only in compliance with the order dated 04.01.2019 passed by the first respondent. Therefore, according to him, if at all, the petitioner is aggrieved, she has to challenge the issuance of the legal heirship certificate dated 10.01.2019 and therefore, it is his case that the present Writ Petition is not maintainable.

5. However, the learned counsel for the petitioner would submit that the petitioner was not afforded a fair hearing by

the Tahsildar, before issuing the legal heirship certificate dated 10.01.2019, subsequent to the order dated 04.01.2019 passed by the first respondent.

6. No prejudice will be caused to the respondents, if a fair hearing is afforded to the petitioner once again, if not given earlier after giving due consideration to the legal heirship certificate issued by the Tahsildar on 10.01.2019 disclosing the name of the second respondent also as one of the legal heirs of the deceased H.Ranjith, subsequent to passing of the impugned order dated 04.01.2019 passed by the first respondent herein.

7. This Court does not find any merit insofar as the challenge made by the petitioner to the impugned order is concerned, as it is only an order remitting the matter back to the Tahsildar for fresh consideration in accordance with law.

8. The learned counsel for the fourth respondent, who is the employer of the deceased H.Ranjith at the time of his death, would submit that the fourth respondent has already deposited the gratuity payable to the deceased with the third respondent. The same is also recorded by this Court.

9. Therefore, the only direction that can be granted by this Court is to direct the Tahsildar, Ponneri Taluk to afford a fair hearing to the petitioner as well as the second respondent, while adjudicating the matter with regard to the issuance of legal heirship certificate for the deceased H.Ranjith. The Tahsildar, Ponneri is directed to pass final orders, within a period of 14 weeks from the date of receipt of a copy of this order.

10. With the aforesaid directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Revenue Divisional Officer (RDO),
Ponneri 601 204.

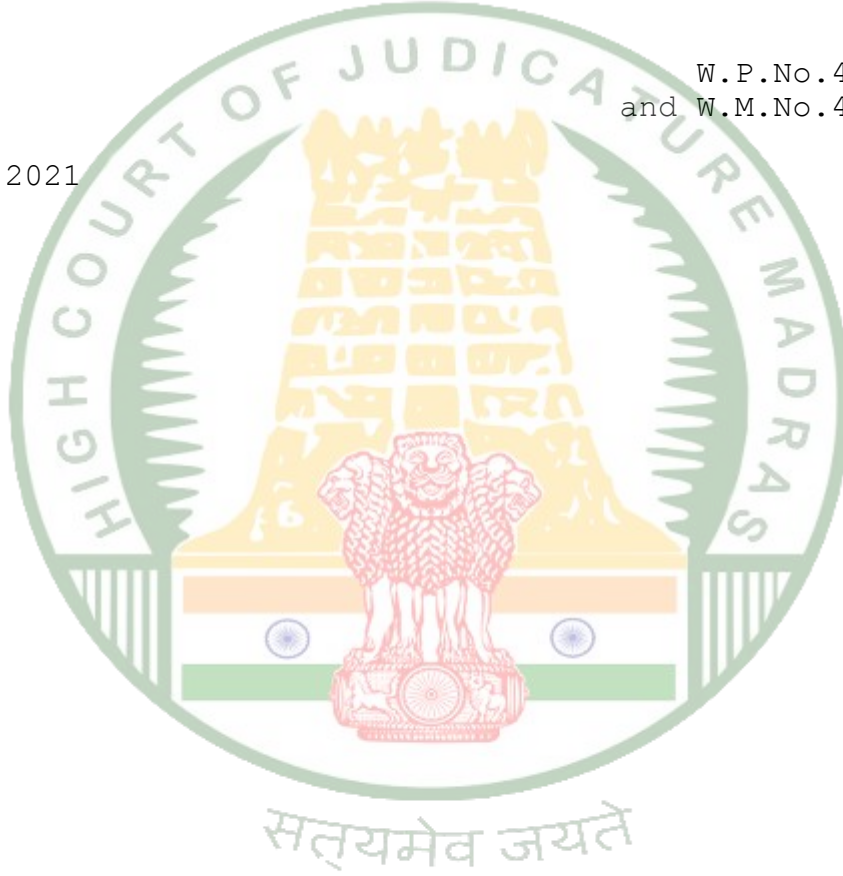
2. The Assistant Labour Commissioner (Central),
Office of the Deputy Chief Labour Commissioner (Central),
No.26, Haddows Raod,
Shastri Bhavan,
Chennai 600 006.

3. The Tahsildar,
Ponneri.

+1cc to M/s.King & Patridge, Advocate, S.R.No.12925.
+1cc to the Government Pleader, S.R.No.12800.

GPL(CO)
CSR 08.04.2021

W.P.No.4089 of 2019
and W.M.No.4566 of 2019



WEB COPY