

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :10.03.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.5903 of 2021 &
W.M.P.Nos.6516 & 6517 of 2021

1.G.Tharani
2.G.Suresh

... Petitioners

Vs

1. The Tahsildar,
Tahsildar Office,
Sholinganallur Circle,
Chennai - 600 119.

2. The Revenue Inspector,
Pallikaranai,
Sholinganallur,
Chennai - 600 100.

3. The Village Administrative Officer,
No.7, Pallikaranai,
Sholinganallur Circle,
Chennai - 600 100.

.... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus to quash the rejection order of the 1st respondent in his Na.Ka.TN-7202012101750/2021/A2 dated 12.02.2021, consequently direct the 1st respondent to issue legal heir certificate to the petitioner's as legal heirs of the deceased Ganapathy within a stipulated time.

For petitioners

... Mr.K.Sathish Kumar

For Respondents

... Mr.V.Shanmuga Sundar,
Special Government Pleader

WEB COPY
ORDER

This Writ Petition has been filed challenging the order dated 12.02.2021 passed by the first respondent rejecting the first petitioner's application seeking for issuance of legal heirship certificate for Ganapathy who died on 13.10.2020.

2. Mr.V.Shanmuga Sundar, learned Special Government Pleader accepts notice on behalf of the respondents. By consent of both

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

3. According to the petitioners, the first petitioner is the wife and the second petitioner is the son of the deceased Ganapathy. It is the case of the first petitioner that only after the death of the first wife of the deceased Ganapathy, she married him and therefore, she is a legally wedded wife of the deceased Ganapathy and the second petitioner is the son who was born out of the wedlock between the deceased Ganapathy and his deceased first wife. According to the petitioners, the first petitioner has applied for legal heirship certificate for her deceased husband Ganapathy. However, under the impugned order dated 12.02.2021, the first respondent has rejected the same on the ground that the first petitioner is the second wife of the deceased. In such circumstances, this writ petition has been filed.

4. Heard Mr.K.Sathish Kumar, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondents.

5. This Court has perused and examined the impugned order. The only ground for rejection of the first petitioner's application seeking for issuance of legal heirship certificate for the deceased Ganapathy is that the first petitioner is the second wife of the deceased Ganapathy. However, the first petitioner claims that she married the deceased Ganapathy only after the death of his first wife and according to her, she is a legally wedded wife of the deceased Ganapathy.

6. The petitioners have filed the following documents viz., Aadhar Card, PAN Card, Family Card and Voter Id of the first petitioner and the Aadhar Card of the second petitioner before this Court in support of their contention that the first petitioner is the legally wedded wife of Ganapathy. However, under the impugned order, none of the documents referred to above have been considered by the first respondent before rejecting the first petitioner's application seeking for issuance of legal heirship certificate for the deceased Ganapathy.

7. This Court is of the considered view that the impugned order has been passed by total non application of mind to the documents filed by the petitioners before this Court. 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 after hearing all the necessary parties including the petitioners as well as any other legal heir if any for the deceased Ganapathy.

8. In the result, the impugned order dated 12.02.2021 passed by the first respondent is hereby quashed and the matter is remanded back to the first respondent for fresh consideration and the first respondent shall pass final orders on the petitioner's application seeking for issuance of legal heirship certificate for the deceased Ganapathy on merits and in accordance with law after affording a fair hearing to the petitioners as well as any other legal heirs if any for the deceased Ganapathy within a period of twelve weeks from the date of receipt of a copy of this Order.

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

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nl

To

1. The Tahsildar,
Tahsildar Office,
Sholinganallur Circle,
Chennai - 600 119.
2. The Revenue Inspector,
Pallikaranai,
Sholinganallur,
Chennai - 600 100.
3. The Village Administrative Officer,
No.7, Pallikaranai,
Sholinganallur Circle,
Chennai - 600 100.

+1cc to Mr.K.Sathish Kumar, Advocate, S.R.No.15226.

KK(CO)
CSR 25.03.2021

W.P. No.5903 of 2021