



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.03.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.6490 of 2021

Udhayakumari

....

Petitioner

Vs.

1. The Collector,
O/o.The Collector,
Collectorate Building,
Singaravelar Maligai, 4th Floor,
1, Kamarajar Salai, Chennai - 01

2. The Tahsildar,
O/o.The Tahsildar,
Aminjikarai Taluk,
Chennai - 30

...

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified mandamus to quash the letter in Na.Ka.No.A1/005/2020 dated 23.12.2020 issued by the second respondent and to issue legal heirship certificate to the petitioner as a legal heir of his son late.Muruganandhan.

For Petitioner

: Mr.S.Madhusudanan

For Respondents

: Mr.V.Shanmugasundar,

Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 23.12.2020 passed by the second respondent rejecting the petitioner's application seeking for issuance of legal heirship certificate for her son Muruganandham, who died on 02.10.2019 on the ground that the legal heirship certificate cannot be issued to the petitioner, who is the mother of the deceased.

2. Heard Mr.S.Madhusudanan, learned counsel for the petitioner and Mr.V.Shanmugasundar, 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. The petitioner has filed Aadhar Card, Death Certificate and other documents before this Court to establish that she is the mother of the deceased Muruganandham. She has filed the death certificate of Padhma, the wife of the deceased Muruganandham, which will reveal that his wife predeceased him. However, under the impugned order, only on the ground that the petitioner is the mother of the deceased Muruganandham, the application for legal heirship certificate submitted by the petitioner for her deceased son has been rejected.

4. This Court is of the considered view that by total non application of mind, the impugned order has been passed, rejecting the petitioner's application. Hence, the impugned order will have to be necessarily quashed and the matter remanded back to the second respondent for fresh consideration on merits and in accordance with law, after hearing all the necessary parties including the petitioner.

5. No prejudice will be caused to the respondents, if the petitioner's application seeking for issuance of legal heirship certificate for her deceased son Muruganandham is considered on merits and in accordance with law.

6. For the foregoing reasons, the impugned order dated 23.12.2020 passed by the second respondent is hereby quashed and the matter is remanded back to the second respondent for fresh consideration and the second respondent shall pass final orders on the petitioner's application seeking for issuance of legal heirship certificate for her deceased son Muruganandham, who died on 02.10.2019 on merits and in accordance with law, after hearing all the necessary parties, including the petitioner, within a period of 12 weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

srn



To

1. The Collector,
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Collectorate Building,
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1, Kamarajar Salai, Chennai - 01

2. The Tahsildar,
O/o.The Tahsildar,
Aminjikarai Taluk,
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A.SK(08.04.2021)