

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM

THE HONOURABLE M.R.JUSTICE ABDUL QUDDHOSE

W.P. No.16507 of 2020

&

W.M.P.No.20483 of 2020

Chandravanthani

... Petitioner

Vs

The Tahsildar,
Arakkonam Taluk,
Ranipet 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 records of the respondent in his proceedings pertaining to the petitioner's application TN-7202009251341 sent through mobile phone SMS on 30.09.2020 rejecting the petitioner's application for legal heirs certificate and quash the same and consequently direct the respondent to issue legal heir certificate on the basis of the petitioner's application dated 25.09.2020.

For Petitioner ... Mr.G.Jeremiah

For Respondent ... Mr.V.Shanmuga Sundar
Special Government Pleader

ORDER

This writ petition has been filed challenging the rejection of the petitioner's application seeking for issuance of legal heirship certificate for her husband Simpson who died on 06.09.2020.

2. The petitioner has challenged the impugned order on the ground that no reasons have been assigned by the respondent for not granting the legal heirship certificate as according to her, there is no dispute that her husband died on 06.09.2020 leaving behind her, three daughters and three sons as his legal heirs. Further according to the petitioner, no opportunity was granted

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to the petitioner by the respondent before passing of the impugned order rejecting the petitioner's application seeking for issuance of legal heirship certificate. In such circumstances, this writ petition has been filed.

3. Heard Mr.G.Jeremiah, learned counsel for the petitioner and Mr.V.Shanmuga sundar, learned Special Government Pleader for the respondent.

4. This Court has perused and examined the impugned order.

5. As rightly contended by the learned counsel for the petitioner, no reasons have been given by the respondent for rejection of petitioner's application seeking for issuance of legal heirship certificate for her deceased husband who died on 06.09.2020. Admittedly, no opportunity of hearing was granted to the petitioner by the respondent before passing of the impugned order. Therefore, this court is of the considered view that the impugned order has been passed arbitrarily and in violation of principles of natural justice. Hence the impugned order has to be necessarily quashed.

6. For the foregoing reasons, the impugned order dated 30.09.2020 rejecting the petitioner's application seeking for issuance of legal heirship certificate of her husband Simpson who died on 06.09.2020 is hereby quashed and the matter remanded back to the respondent for fresh consideration and the respondent shall pass final orders on merits and in accordance with law on the petitioner's application dated 25.09.2020 seeking for issuance of legal heirship certificate within a period of twelve weeks from the date of receipt of a copy of this order, after hearing all the necessary parties including the petitioner and also after affording personal hearing to the petitioner and other necessary parties if any.

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

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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To

The Tahsildar,
Arakkonam Taluk,
Ranipet District.

W.P. No.16507 of 2020

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