

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.20023 of 2020

S. Meenakshi

...Petitioner

.Vs.

The Tahsildar
Pallavaram Taluk Office
Pallavaram
Chennai.

...Respondent

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus to call for the records of the respondent relating to order in Na.Ka.No.2064/2020/A4 dated 3/11/2020 to quash the same and to issue consequential direction to the respondent herein to pass orders afresh on the claim of the petitioner contained in her application dated 5/10/2020 after affording an opportunity of being heard to the petitioner and others.

For petitioner ... Mr.G. Punniakoti
For respondent ... Mr.K.Parameswaran,
Government Advocate.

ORDER

Mr.K.Parameswaran, learned Government Advocate takes notice for the respondent.

2. 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 her younger brother, Thiru Kumar, who died on 11.09.2020, as a bachelor.

3. The respondent has passed the impugned order rejecting the petitioner's application only on the ground that the petitioner is not a direct Legal Heir of the deceased Kumar.

4. Heard Mr.G.Punniakoti, learned counsel for the petitioner and Mr.K.Parameswaran, learned Special Government Pleader appearing for the respondent.

5. It is now settled law that the respondent can issue Legal Heir Certificate for Class - II Legal Heirs also. As seen from the impugned order, neither any enquiry was conducted nor an opportunity given to the petitioner to put forward her submissions with regard to her request for issuance of Legal Heirship Certificate for her deceased brother. By total non application of mind and by not adhering to the principles of natural justice, the impugned order has been passed by the respondent rejecting the petitioner's application for issuance of Legal Heirship Certificate. Therefore, this Court is of the considered view that the impugned order will have to be necessarily quashed and the matter remanded to the respondent for fresh consideration after affording the petitioner a fair hearing.

6. In the result, the impugned order in Na.Ka.No.2064/2020/A4, dated 03.11.2020 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 brother S.Kumar, who died on 11.09.2020, after affording sufficient opportunity to the petitioner and other necessary parties and also granting the right of personal hearing to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

With the aforesaid directions, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To
The Tahsildar
Pallavaram Taluk Office
Pallavaram, Chennai.

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