

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 10.02.2021  
CORAM:  
THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.19700 of 2020

A.Ravi Varma

...Petitioner

Vs.

The Tahsildar,  
Ayanavaram Taluk,  
Palliyarasan Salai,  
Chennai - 600 010.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the respondent in Letter No.Aa3/1616/2020 dated 04.11.2020 and quash the same as illegal, incompetent and ultravires and consequently direct the respondent to issue Class II legal heir certificate for the petitioner's deceased sister, namely A.Vidhyavathi died on 14.02.2019.

For Petitioners : Mr.M.Rakhi  
For Respondent : Mr.V.Shanmuga Sundar  
Special Government Pleader

O R D E R

This writ petition has been filed challenging the order dated 14.02.2019 passed by the respondent rejecting the petitioner's application on the ground that the Legal Heirship certificate can be issued only to direct Legal Heirs.

2.Heard M.Rakhi, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondent.

3.The petitioner claims that A.Vidhyavathi died on 14.02.2019 as a spinster. According to the petitioner, she died leaving behind the petitioner along with 4 of her siblings as the legal heirs. According to him, the legal heirs of the deceased A.Vidhyavathi is as follows:

- (a) A.Ravi Varma (petitioner)
- (b) T.Sumathi (Sister)
- (c) A.Venkatesan (Brother)
- (d) K.Sathyaveni (Sister)
- (e) A.Sathyanarayanan (Brother)

4.According to the petitioner, arbitrarily and by total non-application of mind and without any prior notice to the

petitioner and other legal heirs, the impugned order has been passed by the respondent. In such circumstances, this writ petition has been filed.

5.It is now settled law that Legal Heirship certificate can be issued by the respondent even for Class II Legal Heirs also. The petitioner claims that he along with 4 other siblings are the only surviving legal heirs for the deceased A.Vidhyavathi who died on 14.02.2019 as a spinster.

6.Admittedly, as seen from the impugned order dated 04.11.2020, the application for Legal Heirship certificate has been rejected only on the ground that the petitioner and four other siblings of the deceased A.Vidhyavathi are Class II Legal Heirs. Excepting for the said reason, no other reason has been given and the respondent has also not considered the claim of the petitioner that the deceased A.Vidhyavathi died as spinster leaving behind her siblings namely the petitioner as well as four others as her Legal Heirs. No opportunity of hearing was also afforded to the petitioner and other siblings of the deceased A.Vidhyavathi by the respondent. Therefore, this Court is of the considered view that the respondent has violated the principles of natural justice by not affording an opportunity of hearing to the petitioner before passing the impugned order. The impugned order is a non-speaking order and none of the contentions raised by the petitioner in the affidavit filed in support of the writ petition has been considered. Therefore, this Court is of the considered view that on account violation of principles of natural justice, the impugned order passed by the respondent has to be necessarily quashed and the matter remanded back to the respondent for fresh consideration on merits and in accordance with law.

7.Accordingly, the impugned order dated 04.11.2020 is quashed and the matter remanded back to the respondent for fresh consideration and pass final orders on merits and in accordance with law after hearing all the necessary parties including the petitioner and his 4 siblings, namely T.Sumathi, A.Venkatesan, K.Sathyaveni and A.Sathyanarayanan within a period of 12 weeks from the date of receipt of a copy of this order.

8.With the aforesaid direction, the writ petition is disposed of. No costs.

-s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

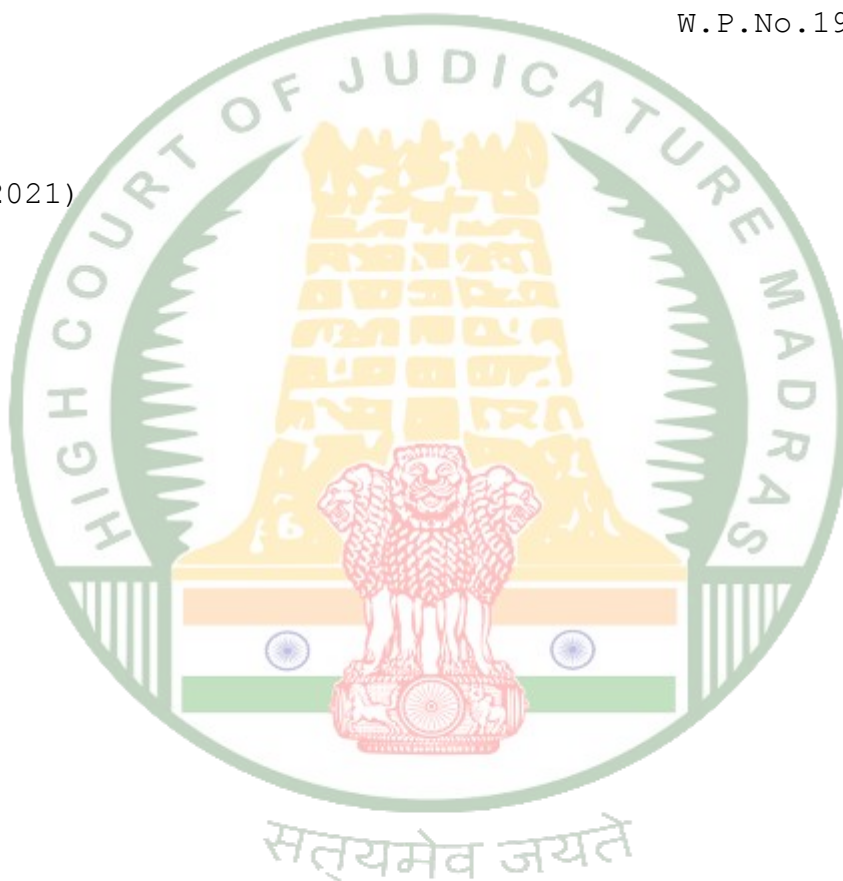
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To

The Tahsildar,  
Ayanavaram Taluk,  
Palliyarasan Salai,  
Chennai - 600 010.

+1 CC to Mr.M.Rakhi, Advocate sr 7716.

W.P.No.19700 of 2020

AKI (CO)  
SP(02/03/2021)



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