



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.12470 of 2021

Solaimmal

... Petitioner

Vs.

The Tahsildar,
Karaikudi Taluk,
Karaikudi,
Sivagangai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus, directing the respondent to call for the records relating to the impugned Rejection Order Transaction reference Number TNVLESVG02500539 in application TN-720200805582 and quash the same as illegal and direct the respondent to issue legal heir certificate to the petitioner.

For Petitioner : Mr.T.Kumar

For Respondent : Mr.R.Suresh Kumar
Government Advocate

ORDER

On consent given by either side, the main writ petition itself is taken up for final hearing.

2.The subject matter of challenge in the present writ petition is the impugned rejection order passed by the respondent, dated 05.08.2020.

3.The petitioner applied for issuance of a Legal Heirship Certificate through online pursuant to the Death of her husband, on 11.07.2020. The said application was rejected by the respondent through the impugned communication, dated 05.08.2020. Aggrieved by the same, the present writ petition has been filed.

4.Heard Mr.T.Kumar, learned counsel for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate for the respondent.

5.In the considered view of this Court, the rejection order passed by the respondent is liable to be interfered on the ground that there are absolutely no reasons assigned for the rejection of the application filed by the petitioner. The learned Government



Advocate on instructions submitted that the respondent wanted to assess if the deceased had married any other person and if there are any other legal heirs. Therefore, the application was not entertained.

6.If the respondent wanted to conduct an enquiry to assess if there are any other legal heirs or with regard to the entitlement of the petitioner to get a Legal Heirship Certificate, the respondent ought to have conducted an enquiry and taken statements. Instead, the respondent cannot proceed to mechanically reject the application without assigning any reasons.

7.In view of the above, the impugned communication of the respondent, dated 05.08.2020, is hereby quashed. The matter is remanded back to the file of the respondent and the respondent is directed to conduct an enquiry and take a decision within a period of four weeks from the date of receipt of a copy of this order.

8.The petitioner is directed to make a fresh representation to the respondent along with all relevant documents and also a copy of this order.

9.This writ petition is allowed with the above directions. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Tahsildar,
Karaikudi Taluk,
Karaikudi,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-24018[F] dated 27/07/2021)

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MGJ(03.08.2021) 2P 3C

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