



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2021

CORAM

THE HONOURABLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD).No.13400 of 2021

and

W.M.P (MD) No.10360 of 2021

WEB COPY

K.Chelladurai

...Petitioner

Vs

1.The District Collector,
Pudukottai District,
Collectorate,
Pudukottai Post & District.

2.The Thasildar,
Thirumayam Taluk Office,
Thirumayam Post & Taluk,
Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the 2nd respondent in Legal Heir Application No.TN-7201907191735, dated 19.07.2019 and quash the same and consequently direct the respondents to issue Legal heirship Certificate to the petitioner due to the death of petitioner's father Late.Kannan.

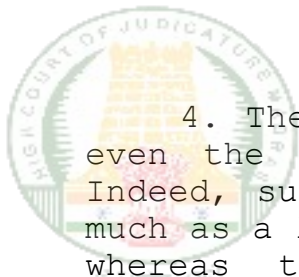
For Petitioner : Mr.M.Saravanakumar
For Respondents : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner challenges an order dated 19.07.2019 of the Thasildar rejecting his application for a legal heirship certificate. The petitioner states that he is the only son of his parents and that he had approached the second respondent for a legal heirship certificate upon the death of his father. Although he enclosed the death certificate and other requisite documents with his application dated 19.07.2019, it is stated that the application was rejected by a cryptic communication.

2. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents.

3. Upon perusal of the impugned order, it is evident that it states that the application is rejected and the only reason assigned is "rejected to the Legal Heir Certificate not issue to individual".



4. There is no doubt that the aforesaid order does not satisfy even the most minimal requirements of a reasoned communication. Indeed, such order clearly indicates non application of mind in as much as a legal heirship certificate is always issued to individuals whereas the impugned order seems to indicate that such certificate would not be issued to individuals. As such, the impugned order cannot be sustained. Consequently, the impugned order dated 19.07.2019 of the second respondent is quashed. The second respondent is directed to re-consider the petitioner's application dated 19.07.2019 for issuance of a legal heirship certificate and to pass a reasoned order thereon within a period of four weeks from the date of receipt of a copy of this order. The petitioner is permitted to submit all necessary documents to the second respondent in such connection.

5. W.P.No.13400 of 2021 is disposed of on these terms without any order as to costs. Consequently, connected W.M.P.No.10360 of 2021 is closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Sbn

To

1.The District Collector,
Pudukottai District,
Collectorate,
Pudukottai Post & District.

2.The Thasildar,
Thirumayam Taluk Office,
Thirumayam Post & Taluk,
Pudukottai District.

+1 CC to M/s.M.SARAVANAKUMAR, Advocate (SR-25287[F] dated 05/08/2021)

+1 CC to M/s.SPL GP (SR-25368[F] dated 05/08/2021)

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and
W.M.P (MD) No.10360 of 2021
04.08.2021

KS (CO)

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