



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD).No.13691 of 2021
and
W.M.P(MD).No.10636 of 2021

Raviraj

...Petitioner

Vs

- 1.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Ramanathapuram Revenue Division,
Ramanathapuram.
- 2.The Tahsildhar,
Kadaladi Taluk,
Ramanathapuram.

... 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 on the file of the second respondent pertaining to rejection of online application dated 03.07.2021 for the issuance of second Class Legal heirship Certificate of Petitioner's blood Elder Sister Kamalam and quash the same as illegal as devoid of merits and directing the respondents to consider petitioner's application in person dated 05.07.2021 for issuance of second Class Legal heirship Certificate of petitioner's blood Elder Sister Kamalam in accordance with law.

For Petitioner : Mr.Raja Karthikeyan

For Respondents :Mr.R.Baskaran
counsel for state

ORDER

The petitioner challenges an order dated 03.07.2021 of the second respondent whereby the petitioner's application for a Legal Heirship Certificate as regards his elder sister, Kamalam, was rejected. The petitioner states that his elder sister, Kamalam and himself were the only children of his late father Gnanamuthu. His sister, Kamalam, married one Mr.Ramakrishnan. The said Mr.Ramakrishnan died on 03.08.1994. The couple did not have any children. Consequently, his sister does not have any Class I legal heirs in terms of the Hindu Succession Act 1956. As a result, the petitioner states that he qualifies as the only Class II legal



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

3. Learned counsel for the petitioner refers to and relies upon the judgments of this Court in **T.S.Renuka Devi Vs.The Thasildar, Mambalam Guindy Taluk**, in W.P.(MD).No.37214 of 2015 and **R.Lokesh Kannan Vs. The District Collector, Madurai District**, in W.P.(MD).No.5586 of 2017. It is stated that in both these judgments, this Court held that an application for issuance of a legal heirship certificate cannot be rejected merely because it is made by a Class II legal heir. In the **R.Lokesh Kannan** judgment, this Court proceeded to record that, if there are rival claims for legal heirship and such claims cannot be determined by the Thasildar, the same may be relegated to the appropriate civil Court. In all other cases, it was held that the Thasildar is bound to consider the claim for a legal heirship certificate and grant such certificate after conducting an appropriate inquiry.

4. In the case on hand, a perusal of the impugned order indicates that the application was rejected by citing the following reason: *"relationship was wrong with the applicant and died person as per VAO and RI enquiry. So rejected"*.

5. From the aforesaid reason for rejection, it is unclear as to whether the Thasildar concluded that the petitioner was not really the younger brother of Kamalam or whether the Thasildar concluded that the petitioner was not the husband of Kamalam. Indeed, the certificate issued by the Village Administrative Officer on 30.06.2021 indicates that, other than Mr.Ramakrishnan, Kamalam had no other husband. All decisions that affect the civil rights of parties, whether judicial, quasi judicial or administrative, are required to indicate reasons which form the links between the facts and documents on record and the conclusions in respect thereof. The impugned order is so poorly articulated that it lends itself to more than one interpretation. Consequently, the impugned order is unsustainable. As a result, such order is quashed.

6. In fine, W.P.(MD).No.13691 of 2021 is allowed. As a corollary, the matter is remitted to the Thasildar for de novo consideration of the petitioner's application for a legal heirship certificate in respect of his elder sister Kamalam. Such application shall be decided after conducting an inquiry and after taking into account the judgments referred to above and by providing a reasonable opportunity of hearing to the petitioner and any others who would be affected thereby. Such reasoned order



receipt of a copy of this order. There will be no order as to costs. Consequently, connected W.M.P(MD).No.10636 of 2021 is closed.

Sd/-

Assistant Registrar (Crl.)

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// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Sbn

To

1.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Ramanathapuram Revenue Division,
Ramanathapuram.

2.The Tahsildhar,
Kadaladi Taluk,
Ramanathapuram.

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-25731[F] dated 10/08/2021)

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2021

09.08.2021

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