



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.3270 OF 2022  
&  
W.M.P.NO.3404 OF 2022

Ruby Simon

... Petitioner

..Vs..

The Tahsildar  
Maduravoyal Taluk  
Ganesh Nagar  
Porur, Chennai 600 116

... Respondent

Cause title amended vide order dated  
04.03.2022 made in WMP No.4662/2022.

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue appropriate writ, order or direction in the nature of Writ of Certiorarified Mandamus to call for the records of the respondent's order of the rejection dated 11.11.2021 of the legal heir application bearing application No.TN-7202109181952 dated 18.09.2021 submitted through "E Seva" online and quash the same as illegal and arbitrary and consequently direct the respondent to issue the legal heir certificate of the petitioner's deceased husband S.I.D. Zion within a time frame as stipulated by this Hon'ble Court.

|                |   |                                                |
|----------------|---|------------------------------------------------|
| For Petitioner | : | Mr.P.Gunaraj                                   |
| For Respondent | : | Mr.T.Seenivasan,<br>Special Government Pleader |

ORDER

This Writ Petition has been filed challenging the order dated 11.11.2021 rejecting the petitioner's application dated 18.09.2021 seeking for issuance of legal heirship certificate for her deceased husband S.I.D. Zion, who died on 07.05.2021. The reason given for the rejection is that the petitioner has not mentioned her deceased husband's mother's details in her application.



2. The petitioner has challenged the impugned order on the ground of violation of principles of natural justice and on the ground that it is a non speaking order. A copy of the application submitted by the petitioner to the respondent for legal heirship certificate has been enclosed along with this Writ Petition. As seen from the said application, the name of the mother of the deceased is disclosed and her name is C. Ponmani. However, on account of total non application of mind to the application, the impugned order has been passed by the respondent on the ground that the petitioner has not mentioned her deceased husband's mother's details. Further as seen from the impugned order, no opportunity of hearing has also been granted to the petitioner for rejecting her application. Therefore, it is clear that principles of natural justice has been violated by the respondent.

3. For the foregoing reasons, the impugned order has to be necessarily quashed and the matter remanded back to the respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner and any other necessary party, whom the respondent deems fit to enquire, including granting them the right of personal hearing. The respondent is directed to pass final orders within a period of 12 weeks from the date of receipt of a copy of this order.

4. With the aforesaid directions, this Writ Petition is closed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

bga

To

The Tahsildar  
Maduravoyal Taluk  
Ganesh Nagar  
Porur, Chennai 600 116.

+1cc to M/s.P.Gunaraj, Advocate, S.R.No.32518

+1cc to the Government Pleader, S.R.No.33562

W.P.No.3270 of 2022

&

W.M.P.No.3404 of 2022

PMK (CO)

RLP (15/06/2022)