



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.9697 of 2021

Rajappa

...Petitioner

vs.

The Tahsildar
Office of the Tahsildar,
Denkanikottai
Dharmapuri District.

...Respondent

Prayer:Writ petition filed under Article 226 of the Constitution of India for writ of Certiorarified Mandamus calling for the records of the respondent in his proceedings No.O.M. 2596/2018 (B1) dated 21.05.2018 and quash the same and consequently direct the respondent to issue Legal Heirship Certificate to the petitioner pursuant to the death of his wife smt. Lathchuamma.

For Petitioner : Mr.K.Sivasubramanian

For Respondent : Mr.K.H.Ravikumar,
Government Advocate

ORDER

This writ petition has been filed challenging the impugned order dated 21.05.2018 passed by the respondent rejecting the petitioner's application seeking for issuance of legal heirship certificate for his deceased wife Lathchuamma.

2.According to the petitioner, he married Lathchuamma only after the death of her first husband. According to the petitioner, under the impugned order, by total non-application of mind to the said fact, the application for legal heirship certificate for Lathchuamma has been rejected on the ground that the petitioner is the second husband of the deceased Lathchuamma. The petitioner has also challenged the impugned order on the ground of violation of principles of natural justice as no opportunity of hearing has been granted to him in the impugned proceedings.

3.Heard Mr.K.Sivasubramanian, learned counsel for the



petitioner and Mr.K.H.Ravikumar, learned Government Advocate appearing for the respondent.

4.As seen from the impugned order, though a categorical finding has been given that the petitioner married her only after the death of the first husband of the deceased, the petitioner's application for legal heirship certificate has been rejected by total non application of mind to the said fact. No opportunity of hearing has also been granted in the impugned proceedings. An order being passed by total non application of mind to the fact that the petitioner has married the deceased only after the death of her first husband and by violating the principles of natural justice as no opportunity of hearing has been granted to the petitioner, has to be necessarily quashed and the matter has to be remanded back to the respondent for fresh consideration on merits and in accordance with law.

5.For the foregoing reasons, the impugned order dated 21.05.2018 passed by the respondent is hereby quashed and the matter is remanded back to the respondent for fresh consideration on merits and in accordance with law. The respondent shall consider the matter on merits and in accordance with law and pass final orders after affording a fair hearing to the petitioner including granting him a right of personal hearing and also permitting him to produce the necessary documents within a period of four weeks from the date of receipt of a copy of this Order

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

The Tahsildar
Office of the Tahsildar Denkanikottai
Dharmapuri District.

+lcc to Mr.K.Sivasubramanian, Advocate, S.R.No.35512
+lcc to the Government Pleader, S.R.No.36442

W.P.No.9697 of 2021

PL(CO)
RGA(27/06/2022)