



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.10476 of 2022
and WMP No.10169 of 2022

G.Sumathi

... Petitioner

Versus

1.The Tahsildar,
Guindy,
Mambalam Taluk.

2. The Tahsildar,
Chengalpet Taluk,
Chengalpet District

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records of the first respondent in Na.Ka.No.A1/776/2021 dated 07.12.2021 and quash the same and thereby direct the first respondent to issue legal heir certificate to the petitioner for the death of the petitioner's mother Tmt.S.Karthi on 02.06.2017.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.K.H.Ravi Kumar
Government Advocate

ORDER

This writ petition has been filed challenging the order dated 07.12.2021 passed by the first respondent rejecting the petitioner's application, seeking to include her as one of the legal heirs of the deceased Tmt.S.Karthi, who died on 02.06.2017.

2. The petitioner has challenged the impugned order on the ground of violation of principles of natural justice and on



the ground that the first respondent has not complied with the directions issued by this Court in the earlier Writ Petition, filed by the very same petitioner in W.P.No.12415 of 2021, wherein, this Court, by its order dated 07.10.2021 directed the respondents to consider the petitioner's application with regard to the issuance of legal heir certificate of her deceased mother and pass orders on merits and in accordance with law after affording an opportunity of hearing to the petitioner.

3. As seen from the impugned order, the petitioner's representation has been rejected only on the ground that the petitioner was away from the family for more than twenty years. The petitioner has filed documents along with this writ petition, including her Aadhar Card and Passport for the purpose of substantiating her case that she is the daughter of the deceased Tmt.S.Karthi. However, those documents have not been considered in the impugned order. Further, as seen from the impugned order, no opportunity of personal hearing has been granted to the petitioner as directed by this Court in the earlier writ petition filed by the very same petitioner in W.P.No.12415 of 2021, wherein, an order was passed by this Court on 07.10.2021 directing the respondents to afford an opportunity of hearing to the petitioner.

4. Being a non-speaking order and an order which has not followed the directions issued by this Court on 07.10.2021 in W.P.No.12415 of 2021 in letter and spirit and the order being passed in violation of the principles of natural justice, this Court is of the considered view that the impugned order passed by the first respondent has to be necessarily quashed and the matter remanded back to the first respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner, including granting her the right of personal hearing.

5. For the foregoing reasons, the impugned order dated 07.12.2021 passed by the first respondent is hereby quashed and the matter is remanded back to the first respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner including granting her the right of personal hearing. The petitioner is also permitted to produce all the relevant documents/records to substantiate her claim that she is the daughter of the deceased Tmt.S.Karthi, who died on 02.06.2017. The first respondent shall pass final orders within a period of eight weeks from the date of receipt of a copy of this order.



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6. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

sr

To

1.The Tahsildar,
Guindy, Mambalam Taluk.

2.The Tahsildar,
Chengalpet Taluk,
Chengalpet District

+1cc to Mr.N.Suresh, Advocate SR.No.35600
+1cc to the Government Pleader, SR.No.36439

W.P.No.10476 of 2022

PA(CO)
CB(01/07/2022)