



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.11705 of 2022

and

W.M.P.No.11167 of 2022

Meena

...Petitioner

Vs.

The Tahsildar,
Omalur Taluk Office,
Omalur, Salem District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed in TN-720200630565 dated Nil by the respondent and quash the same consequently directing the respondent to issue the legal heir certificate to the petitioner.

For Petitioner : Mr.V.Pavel

For Respondent : Mr.K.H.Ravikumar

Government Advocate

ORDER

This Writ Petition has been filed challenging the order dated Nil passed in TN-720200630565, rejecting the petitioner's application seeking for issuance of legal heirship certificate for her deceased husband Mr.Kandasamy.

2. According to the petitioner, Kandasamy was her husband and they were living as husband and wife from the year 1989, for almost 32 years. She stated that their marriage was an inter-caste marriage. It is contended by the petitioner that she belongs to Dalit Community and her husband was from Vanniyar Community. She further stated that, out of their wedlock, they have two children namely one Ranjani K and Soundharya K. She submitted that her husband died on 12.03.2020 and she has applied for legal heirship certificate for her late husband Kandasamy. The said application has been rejected under the impugned order passed by the respondent.



3. The petitioner has challenged the impugned order on the ground of violation of principles of natural justice and on the ground that the said order is a non-speaking order. The petitioner has filed documents along with this Writ Petition to substantiate her claim that she and her two children are the legal heirs of the deceased Kandasamy.

4. As seen from the impugned order, the application for legal heirship certificate submitted by the petitioner has been rejected by a non-speaking order and no reasons have been given by the respondent for rejecting the petitioner's application. No opportunity of hearing has also been granted to the petitioner before passing the impugned order. The documents filed along with this Writ Petition have also not been considered by the respondent.

5. Being a non-speaking order and an order passed by violating the principles of natural justice, the impugned order has to be necessarily quashed and the matter will have to be remanded back to the 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.

6. For the foregoing reasons, the impugned order dated Nil passed in TN-720200630565 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, after affording a fair hearing to the petitioner including, granting her the right of personal hearing. The respondent is directed to pass final orders, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this Writ Petition stands disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Sni



To

The Tahsildar,
Omalur Taluk Office,
Omalur, Salem District.

WEB COPY

+1cc to Mr.V.Pavel, Advocate, S.R.No.35123
+1cc to the Government Pleader, S.R.No.35366

W.P.No.11705 of 2022

GPL[co]
NSK/23/06/2022