



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.10306 of 2019

Venugandhi

...Petitioner

Vs

1. The Tahsildar,
Vembakkam Taluk,
Tiruvannamalai District.

2. R.Mohanram

...Respondents

(R2 impleaded as per order
dated 23.09.2019 in
WMP.No.15850 of 2019 in
W.P.No.10306 of 2019 by PDAJ)

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the Tahsildar, Vembakkam, Tiruvannamalai District, the Respondent herein, culminating in his order ref.no.O.Mu.A2/3274/2016, dated 18.07.2017, quash the same and direct the respondent to issue a Legal Heir-ship Certificate consequent upon the demise of my father G.Ramasamy Pillai, who died on 08.06.2006 at Redhills, Chennai-52, within a time limit that may be fixed by this Hon'ble Court.

For Petitioner : Mr.B.Harikrishnan

For Respondents: Mr.Jayaprakash,
Government Advocate - R1

No appearance - R2

O R D E R

Heard Mr.Harikrishnan, learned Counsel for the petitioner and Mr.Jayaprakash, learned Government Advocate for the Tahsildar, Vembakkam Taluk, Tiruvannamalai District.



2.The step brother of the petitioner has been impleaded as R2, service is complete upon him and his name is printed in the cause list, despite which, there is no appearance by or on his behalf today.

WEB COPY

3.The petitioner claims to be the eldest daughter of G.Ramasamy through his second wife. According to her, G.Ramasamy was initially married, from which marriage he had a son and daughter. Thereafter, he had married the petitioner's mother from whom he begotten four daughters, of whom the petitioner is one.

4.The petitioner's father is stated to have passed away on 08.06.2006, consequent upon which, she applied to the respondent for issuance of legal heirship certificate. It is stated that the application submitted is unavailable and hence the supporting documents submitted by the petitioner are unknown to this Court.

5.Be that as it may, the impugned order dated 30.10.2016 (erroneously stated in the Writ Petition as 18.07.2017) has come to be passed rejecting her application on two grounds, firstly, it is stated that the permanent address of G.Ramasamy is not mentioned in the death certificate and secondly and more relevant, is an objection laid to her being mentioned as a legal heir by R2.

6.A perusal of the impugned order reveals that no enquiry appears to have been caused by the respondent though he relies on a report of the Revenue Inspector, cited at reference 1 of the impugned order.

7.I am of the considered view, an order that has civil consequences for a party, must be preceded by effective hearing and consideration of all relevant materials. Thus, and insofar as such procedure has admittedly not been followed in this Court, the impugned order stands quashed. To be noted that despite a specific opportunity for filing counter as a last chance, no counter has been filed till date.

8.The petitioner is at liberty, if she so desires, to make a fresh application enclosing all materials in support of her application and such application, if and when filed by her before the authorities, shall be disposed expeditiously after hearing the petitioner as well as R2 arrayed in this Writ Petition and other legal heirs.



WEB COPY

9.This Writ Petition is disposed. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

sl/kbs

To

The Tahsildar,
Vembakkam Taluk,
Tiruvannamalai District.

+1cc to M/s.B.Harikrishnan, Advocate, S.R.No.18612
+1cc to the Government Pleader, S.R.No.19162

W.P.No.10306 of 2019

AD (CO)
RGA (04/05/2022)