



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.06.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.12421 of 2022

AND

W.M.P.No.11888 of 2022

K.Sugunamma

...Petitioner

Vs.

The Tahsildar
Sholinganallur Taluk
Chennai 600 119

...Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records relating to the order passed by the respondent in proceeding in Na.Ka.No.1485/2022/A2 dated 19.04.2022, quash the same and consequently direct the respondent to issue legal heirship certificate to the petitioner stating that she is the wife of the deceased K.Ramadoss.

For Petitioner : Mr.M.Elango

For Respondents : Mr.S.J.Mohamed Sathik
Government Advocate

O R D E R

This writ petition has been filed challenging the order dated 19.04.2022 passed by the respondent rejecting the petitioner's application seeking for issuance of legal heirship certificate for the deceased K.Ramadoss, on the ground that the petitioner is not the legally wedded wife.

2.Heard Mr.M.Elango, learned counsel for the petitioner and Mr.S.J.Mohamed Sathik, learned Government Advocate, who accepts notice on behalf of the respondent.

3.According to the petitioner, she married the deceased K.Ramadoss only after the death of his first wife and therefore, she is the legally wedded wife and a class-I legal heir. As seen from the impugned order, the contentions raised by the petitioner in this writ petition has not been considered by the



respondent. Opportunity of hearing has also not been granted to the petitioner by the respondent. Being a non-speaking order and an order passed by violating Principles of Natural Justice, the impugned order 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, after affording a fair hearing to the petitioner.

4. For the foregoing reasons, the impugned order dated 19.04.2022 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, after affording a fair hearing to the petitioner, including granting of personal hearing within a period of eight weeks from the date of receipt of a copy of this order.

With the aforesaid directions, this writ petition is disposed of. No costs. Connected miscellaneous petitioner is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

gya

To

The Tahsildar
Sholinganallur Taluk
Chennai 600 119

+1cc to M/s.M.Elango, Advocate, S.R.No.32755

+1cc to the Government Pleader, S.R.No.33085

W.P.No.12421 of 2022

PMK(CO)
RGA(22/06/2022)