



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.06.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.14936 of 2022

and

WMP No.14161 of 2022

1.R.Sriram

2.R.Revathi

..Petitioners

-Vs-

The Tahsildar,
Ayyanavaram,
Chennai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the respondent dated 06.05.2022 rejecting the application for legal heir certificate in Application No.TN-7202205061719 and quash the same and thereby direct the respondent to grant the legal heir certificate including the name of the 1st petitioner on the death of his grandmother Smt.Lakshmi.

For Petitioner : Mr.N.Suresh

For Respondent : Mr.B.Vijay

Additional Government Pleader

O R D E R

This writ petition has been filed challenging the order dated 06.05.2022 rejecting the petitioners' application seeking for issuance of legal heirship certificate for Tmt.Lakshmi, who died on 05.02.2022.

2. The 1st petitioner is the grandson and the 2nd petitioner is the daughter-in-law of the deceased Tmt.Lakshmi. The 1st petitioner claims that he is the only legal heir of the deceased grandmother. The 2nd petitioner has applied for legal heirship certificate for the deceased Tmt.Lakshmi which has been rejected under the impugned order on the ground that the petitioner was not reachable and also on the ground that based on the R.I. report, the 1st petitioner cannot be treated as a legal heir. However, it is contended by the petitioners that they were always available and the R.I. report reflected in the impugned order were not furnished to them.



3. According to the petitioners, no opportunity of hearing was granted to them in the impugned proceedings. The petitioners have produced documents along with this writ petition to substantiate their claim that 1st petitioner is the only legal heir of the deceased Tmt.Lakshmi. As seen from the impugned order, the said documents have not been considered.

4. Admittedly, the petitioners were not heard in the impugned proceedings, though the respondent may say that the petitioners were not reachable, the petitioners in this writ petition categorically state that they were always reachable. This being the case, this Court is of the considered view that the impugned order is a non-speaking order and has been passed by violating the principles of natural justice.

5. For the foregoing reasons, the impugned order dated 06.05.2022 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 petitioners including granting them the right of personal hearing. The respondent is directed to pass the final order within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vsi

To

The Tahsildar,
Ayyanavaram, Chennai.

+1cc to Mr.N.Suresh, Advocate, S.R.No.36547

+1cc to the Government Pleader, S.R.No.36453

W.P.No.14936 of 2022

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NSK/30/06/2022