



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.2327 of 2022

WEB COPY

S.Muniyandi

... Petitioner

vs.

The Tahsildar,
Sivgairi Taluk Office,
Sivagiri, Tenkasi District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings, dated 01.01.2022 passed in application in TN-7202112242667 by the respondent and to quash the same and consequently, to direct the respondent herein to issue legal heirship certificate of Late T.Mariappan to the name of the petitioner on the basis of the petitioner's application, dated 24.12.2021 within a stipulated time.

For Petitioner :Mr.S.Mahalingam

For Respondent :Mr.B.Saravanan
Additional Government Pleader

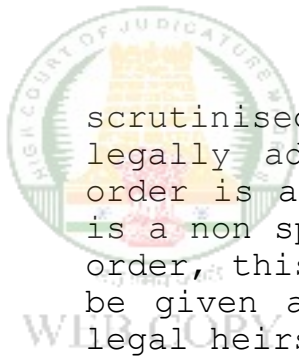
O R D E R

This Writ Petition has been filed challenging the order, dated 01.01.2022 passed by the respondent rejecting the application seeking for issuance of legal heirship certificate disclosing his name as the only legal heir of the deceased T.Mariappan.

2.According to the petitioner, he is the adopted son of late T.Mariappan, who died on 11.03.2018. He has applied for a legal heirship certificate for the deceased T.Mariappan. Under the impugned order, his application has been rejected. Aggrieved by the same, this Writ Petition has been filed.

3.Heard Mr.S.Mahalingam, learned Counsel for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader appearing for the respondent.

4.Admittedly, as seen from the impugned order, the respondent has not given particulars about the documents, which were



scrutinised to come to the conclusion that the petitioner is not a legally adopted son for the deceased T.Mariappan. The impugned order is an online rejection of the petitioner's application and it is a non speaking order. Since the impugned order is a non speaking order, this Court is of the considered view that the petitioner must be given an opportunity of hearing in his application seeking for legal heirship certificate for the deceased T.Mariappan.

5.This Court is also of the considered view that principles of natural justice has been violated, as a categorical assertion has been made by the petitioner that he is the adopted son of deceased assertion. While that be so, he must be permitted to furnish all the documents to substantiate his case before the respondent. But without considering the same, by a non speaking order, the petitioner's application seeking for issuance of legal heirship certificate for the deceased T.Mariappan has been rejected.

6.For the foregoing reasons, the impugned order, dated 01.01.2022 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. The respondent is directed to pass final orders on the petitioner's application seeking for issuance of legal heirship certificate to include him as the only legal heir of the deceased T.Mariappan, as he claims to be his adopted son within a period of twelve weeks from the date of receipt of a copy of this order after affording a fair hearing to the petitioner as well as any other legal heirs, if any, of the deceased T.Mariappan. The petitioner is permitted to submit all records to substantiate his case that he is the adopted son of the deceased T.Mariappan before the respondent and it is made clear that the respondent shall consider those documents and only thereafter, pass final orders on merits and in accordance with law.

7.With the above observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr



To
The Tahsildar,
Sivgairi Taluk Office,
Sivagiri, Tenkasi District.

+1 CC to M/s.SPL GP (SR-6441[F] dated 15/02/2022)

+2 CC to M/s.S.MAHALINGAM, Advocate (SR-6245[F] dated 15/02/2022)

W.P.(MD)No.2327 of 2022

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