



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.3653 of 2022

and

W.M.P. [MD]No.3191 of 2022

WEB COPY

S.Radhika

... Petitioner

Vs.

The Tahsildar,
Alangudi Taluk,
Pudukottai District,
Tamil Nadu - 622 301.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the respondent dated 06.01.2022 in respect of application No.TN 7202111081830 and quash the same and consequently direct the respondent to issue a legal heirship certificate in respect of T.Sathish.

For Petitioner : Mr.R.Narayanan

For Respondent : Mr.D.Sachikumar

Additional Government Pleader

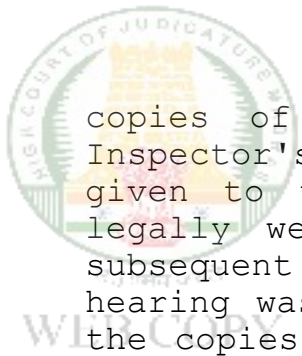
O R D E R

This Writ Petition has been filed challenging the order dated 06.01.2022 passed by the respondent rejecting the petitioner's inclusion as one of the legal heirs for her deceased husband Sathish who died on 22.09.2021.

2.According to the petitioner, she is the legally wedded wife of the deceased Sathish, having married him on 04.09.2020 only after the death of his first wife. However, according to her under the impugned order, without affording a fair hearing to the petitioner, her application seeking for issuance of legal heirship certificate for her deceased husband Sathish has been rejected. In such circumstances, she has filed this writ petition.

3.Heard Mr.R.Narayanan, learned Counsel appearing for the petitioner and Mr.D.Sasikumar, learned Additional Government Pleader who accepts notice on behalf of the respondent.

4.Admittedly, as seen from the impugned order it is a non-speaking order. Except for stating that the application submitted by the petitioner has been rejected based on the Village Administrative Officer's report and Revenue Inspector's report and Field Verification report, no reasons whatsoever have been given. The



copies of the Village Administrative Officer's report, Revenue Inspector's report and Field Verification report have also not been given to the petitioner. The petitioner claims that she is the legally wedded wife of the deceased Sathish having married him subsequent to the death of his first wife. Since no opportunity of hearing was granted to the petitioner with regard to her claim and the copies of the Village Administrative Officer's report, Revenue Inspector's report and Field Verification report were not furnished to her, the impugned order passed by the respondent has to be necessarily quashed and remanded to the respondent for fresh consideration on merits and in accordance with law after affording a fair opportunity of hearing to the petitioner and any other necessary party whom the respondent so deems fit to enquire.

5. Accordingly, the impugned order dated 06.01.2022 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 after affording a fair opportunity of hearing to the petitioner and any other necessary party the respondent deems fit to enquire and pass final orders within a period of eight [8] weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, the writ petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

MR

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To
The Tahsildar,
Alangudi Taluk, Pudukottai District,
Tamil Nadu - 622 301.

+1 CC to M/s.R.NARAYANAN, Advocate (SR-9464[F] dated 02/03/2022)
+1 CC to M/s.SPL GP (SR-9177[F] dated 01/03/2022)

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