



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.03.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.4346 of 2022

and

W.M.P.[MD]No.3669 of 2022

Girija Pillappan

... Petitioner

/Vs./

The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

... 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 impugned order passed by the respondent in his proceedings in Online Application Rejection No.720210409428 dated 18.04.2021, quash the same and consequently directing the respondent to issue legal heir ship certificate on the death of petitioner's husband, namely, K.Pillappan died on 10.03.2021 to the petitioner within time limit stipulated by this Court.

For Petitioner : Mr.D.Selvanayagam
For Respondent : Mr.M.Lingadurai
Special Government Pleader

ORDER

This writ petition has been filed challenging the online rejection order of the respondent dated 18.04.2021, under which, the petitioner's application seeking for issuance of legal heirship certificate for her late husband, K.Pillappan was rejected on the ground that the petitioner is the second wife of K.Pillappan. The petitioner has challenged the impugned order on the ground of violation of principles of natural justice and also on the ground of total non-application of mind to the fact that the petitioner has got married to K.Pillappan only after the death of K.Pillappan's first wife.

2.According to the petitioner, she got married to K.Pillappan on 03.03.1991, whereas the first wife, who got married to K.Pillappan earlier died on 14.05.1989 prior to the marriage of the petitioner with K.Pillappan. Hence, the petitioner is a legally wedded wife. According to the petitioner, by total non application of mind to the aforesaid fact and by not following the principles of natural justice ie., without affording any hearing to the petitioner, the impugned order has been passed.



3. Heard Mr.D.Selvanayagam, learned Counsel for the writ petitioner and Mr.M.Lingadurai, learned Additional Government Pleader, who accepts notice on behalf of the respondent.

4. As seen from the impugned order, as rightly contended by the petitioner, the petitioner has not been heard before passing the impugned order rejecting the petitioner's application seeking for issuance of legal heirship certificate for her deceased husband, K.Pillappan. The petitioner has also produced documentary evidence before this Court to show that she got married with K.Pillappan, only after the death of his first wife, who died on 14.05.1989.

5. However, in the impugned order by total non application of mind to the aforesaid fact, the application seeking for issuance of legal heirship certificate has been rejected on the ground that the petitioner is the second wife. Being a legally wedded wife, as she got married to Mr.K.Pillappan, only after the death of his first wife, she is entitled for legal heirship certificate disclosing her name as one of the legal heirs of the deceased K.Pillappan. The petitioner has also not been heard before passing the impugned order. Hence, the respondent has violated the principles of natural justice.

6. For the foregoing reasons, the online rejection order dated 18.04.2021 passed by the respondent is hereby quashed and the matter is remanded back to the respondent for fresh consideration and the respondent shall pass final orders, in the light of the observations recorded by this Court in the preceding paragraphs, within a period of twelve [12] weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner.

7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

+1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-11693[F] dated 11/03/2022)

+1 CC to M/s.SPL GP (SR-12217[F] dated 15/03/2022)

order made in
W.P. [MD]No.4346 of 2022
Dated:**11.03.2022**

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sr(CO)
TR(04.04.2022) 3P 4C