



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4477 of 2022

R.Manikandan

.. Petitioner

Vs

1.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Madurai Revenue Division,
Madurai.

2.The Tahsildar,
Vadipatti Taluk,
Madurai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the file of 2nd respondent vide proceedings in O.Mu.No.A8/7273/2021, dated 10.12.2021, pertaining to rejection of application for the issuance of Second Class Legal Heir Certificate of the petitioner's blood brother Murugan and quash the same as illegal and devoid of merits and further direct the respondents to issue Second Class Legal Heirship Certificate of the petitioner's blood brother Murugan, in accordance with law.

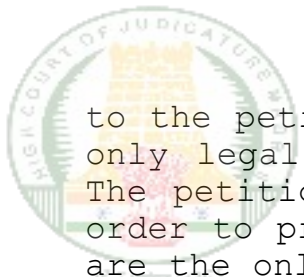
For Petitioner : Mr.Raja.Karthikeyan

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

This writ petition has been filed challenging the order, dated 10.12.2021, rejecting the petitioner's application, seeking for issuance of legal heirship certificate for his brother namely R.Murugan, on the ground that the petitioner is not a direct legal heir.

2.The petitioner has challenged the impugned order on the ground of violation of principles of natural justice. He has stated in the affidavit filed in support of the writ petition that without affording any opportunity of hearing, the impugned order has been passed. He has also stated that there is no prohibition for the respondent to issue legal heirship certificate for Class II legal heirs also. According to him, his brother Murugan died issueless and he had also divorced his wife during his life time. Hence, according



to the petitioner, he and two other brothers and one sister are the only legal heirs of the deceased Murugan, who died on 27.05.2021. The petitioner has filed documents along with the writ petition in order to prove his case that he and his two brothers and one sister are the only legal heirs of the deceased Murugan. He has also filed a death certificate of Murugan, which confirms that he died on 27.05.2021.

3.It is settled law that there is no prohibition for the respondent to issue legal heirship certificate for Class II legal heirs. It is also settled in various decisions, that there is no legal sanctity for the circular issued by the Inspector General of Registration. As seen from the impugned order, no opportunity of hearing was granted to the petitioner before passing the impugned order by the second respondent.

4.Therefore, this Court is of the considered view that principles of natural justice has been violated by the second respondent before passing the impugned order, dated 10.12.2021. Hence, the impugned order will have to be necessarily quashed and remanded back to the respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner.

5.In the result, the impugned order dated 10.12.2021, passed by the second respondent is hereby quashed and the matter is remanded back to the second respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner and other class II Legal heirs of the deceased Murugan and any other necessary party, whom the second respondent deems fit to enquire. The second respondent is directed to pass final orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS I)

/TRUE COPY/

/ /2022

Sub Assistant Registrar(CS)

TM

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Madurai Revenue Division,
Madurai.

2.The Tahsildar,
Vadipatti Taluk,
Madurai District.

+1 CC to M/s.RAJA KARTHIKEYAN, Advocate (SR-12060[F] dated
15/03/2022)

+1 CC to M/s.SPL GP (SR-12450[F] dated 16/03/2022)

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MK/22.03.2022/3P/5C