



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.4517 of 2022

WEB COPY

Minor Thanshika

Rep by her Next Friend and Natural Guardian,
Mrs.Karthiga.

... Petitioner

Vs.

The Tahsildar,
Kadavoor Taluk,
Kadavoor,
Karur 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 respondent relating to the Online Application No.TN 7202202151481 dated 15.02.2022 and to quash the same and consequently directing the respondent herein to issue legal heir certificate of late R.Dhanam by including the petitioner's name as daughter on the basis of the petitioner's online application dated 15.02.2022.

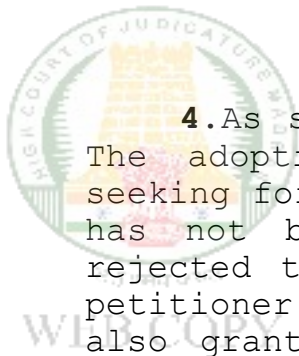
For Petitioner	: Mr.T.Dhamodharan
For Respondent	: Mr.T.Amjad Khan
	Government Advocate

O R D E R

This writ petition has been filed challenging the order dated 15.02.2022 passed by the respondent rejecting the petitioner's application seeking for issuance of legal heirship certificate for R.Dhanam by including the name of the petitioner.

2.According to the petitioner, she is the adopted daughter of R.Dhanam who died on 31.01.2022. The petitioner has filed the adoption deed along with this writ petition. According to the petitioner, without affording any opportunity of hearing and without giving due consideration to the adoption deed, the impugned order has been passed rejecting the petitioner's application seeking to include her as one of the legal heirs of the deceased R.Dhanam who according to her is her adopted mother.

3.Heard Mr.T.Dhamodharan, learned Counsel for the writ petitioner and Mr.T.Amjad Khan, learned Government Advocate who accepts notice on behalf of the respondent.



4.As seen from the impugned order, it is a non-speaking order. The adoption deed which was filed along with the application seeking for issuance of legal heirship certificate by the petitioner has not been considered by the respondent. The respondent has rejected the petitioner's application only on the ground that the petitioner is not a direct legal heir. No opportunity of hearing was also granted to the petitioner as seen from the impugned order. Hence, the impugned order has been passed in violation of principles of natural justice. Further being a non-speaking order, without considering the adoption deed produced by the petitioner, the impugned order has to be necessarily quashed and the matter has to be 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 15.02.2022 passed by the respondent is hereby quashed and the matter is remanded back to the respondent for fresh consideration. The respondent shall pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner including granting her the right of personal hearing within a period of twelve [12] weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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,
Kadavoor Taluk,
Kadavoor, Karur District.

+1CC to Special Government Pleader SR.No.12511

ORDER MADE IN

W.P. [MD]No.4517 of 2022

15.03.2022