



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.4649 of 2022

S.Rathana Pandiyar

... Petitioner

Vs.

The Tahsildar,
Office of 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 connected to the proceedings of the respondent in O.Mu. (C2)/101/2022 dated 05.01.2022 on the file of the respondent and quash the same, consequently directing the respondent to issue legal heirship certificate as the petitioner is the only legal heir to the petitioner adopted father Late.Muthukrishnan in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.S.Malaikani
For Respondent : Mrs.S.Jeyapriya
Government Advocate

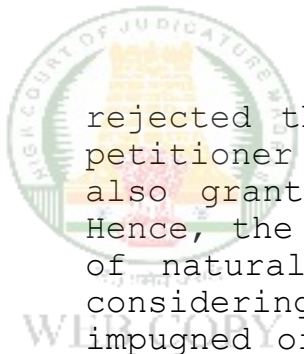
O R D E R

This writ petition has been filed challenging the order dated 05.01.2022 passed by the respondent rejecting the petitioner's application seeking for issuance of legal heirship certificate for Muthukrishnan by including the name of the petitioner.

2.According to the petitioner, he is the adopted son of Muthukrishnan who died on 23.05.2021. 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 him as one of the legal heirs of the deceased Muthukrishnan who according to him is his adopted father.

3.Heard Mr.S.Malaikani, learned Counsel for the writ petitioner and Mrs.S.Jeyapriya, 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 by 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 05.01.2022 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 him 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 (A.D.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,
Office of the Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-12715[F] dated 17/03/2022)

+1 CC to M/s.S.MALAIKANI, Advocate (SR-12467[F] dated 16/03/2022)

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