



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.4690 of 2022

and

W.M.P.[MD]Nos.3921 & 3922 of 2022

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P.Chandrasekaran

... Petitioner

Vs.

The Tahsildar,
O/o. The Tahsildar,
Kodaikanal,
Dindigul District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for records pertaining to the Impugned Order dated 15.12.2021 in Na.Ka.No.3101/2021/A1 on the file of the Respondent and quash the same as illegal and consequently direct the Respondent to issue a legal heir certificate to the Petitioner in respect of his sister namely R.Mookkammal, W/o. S.Ramasamy within the time stipulated by this Hon'ble Court.

For Petitioner	: Mr.T.Thirumurugan
For Respondent	: Mr.M.Lingadurai Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the order dated 15.12.2021 passed by the respondent rejecting the petitioner's application seeking for issuance of a legal heirship certificate for his sister who died on 02.09.2020 on the ground that since the petitioner is a resident of Madurai, the application for legal heirship certificate for his late sister who was a resident at Kodaikanal cannot be applied at Kodaikanal as enquiry cannot be done with regard to the petitioner at Kodaikanal. The petitioner has challenged the impugned order on the ground of violation of principles of natural justice and has also questioned the authority of the respondent to pass such an order.

2.According to the petitioner, his sister died only in Kodaikanal and therefore, the Tahsildar has got jurisdiction to issue legal heirship certificate. It is also the contention of the petitioner that his sister R.Mookkammal died issueless and as a second class legal heir, he is entitled to apply for legal heirship certificate and is entitled to get his name included as one of the legal heirs.



3.As seen from the impugned order dated 15.12.2021, no opportunity of hearing has been granted to the petitioner. The respondent has rejected the petitioner's application seeking for issuance of legal heirship certificate only on the ground that since the petitioner is a permanent resident of Madurai, the enquiry pertaining to the application submitted by him seeking for legal heirship certificate for his late sister R.Mookkammal who died at Kodaikanal cannot be conducted at Madurai. Only under those circumstances, the application for legal heirship certificate submitted by the petitioner has been rejected.

4.As seen from the impugned order, no opportunity of hearing has also been granted to the petitioner. Unless an opportunity of hearing is granted, the contentions raised by the petitioner in this writ petition cannot be considered. Since the same has not been considered under the impugned order and no opportunity of hearing has been granted, this Court is of the considered view that the respondent has passed the impugned order by violating the principles of natural justice and the said order is also a non-speaking order.

5.For the foregoing reasons, the impugned order dated 15.12.2021 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 hearing to the petitioner and other necessary parties whom the respondent deems fit to enquire within a period of four [4] weeks from the date of receipt of a copy of this order. The petitioner is permitted to submit all relevant documents in support of his contention that he is a Class-II legal heir of his deceased sister R.Mookkammal.

6.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To
The Tahsildar,
O/o. The Tahsildar,
Kodaikanal,
Dindigul District.



+1 CC to M/s.SPL GP (SR-12987[F] dated 18/03/2022)

W.P.[MD]No.4690 of 2022
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