



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.5454 of 2022

and

W.M.P. (MD)No.4418 of 2022

WEB COPY

Chinnakkal @ Chinnatha

... Petitioner

vs.

1.The Revenue Divisional Officer,
Aruppukkottai, Virudhunagar District.

2.The Tahsildar,
Taluk Office, Aruppukkottai,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of impugned order dated 07.05.2021 passed by the second respondent rejecting the petitioner's online Legal Heirs application, dated 11.02.2020, and quash the same and consequently, to direct the second respondent to issue Legal Heir Certificate on the legal heirs of petitioner's deceased husband Kannaiah, who died on 07.01.2020.

For Petitioner :Mr.R.Murugappan

For Respondents :Mr.M.Lingadurai

Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the impugned order, dated 07.05.2021 passed by the second respondent rejecting the petitioner's online application for issuance of legal heirship certificate for her deceased husband, Kannaiah, who died on 07.01.2020.

2.According to the petitioner, she and her children are the only legal heirs of the deceased Kannaiah. She filed an online application on 11.02.2020 with the second respondent requesting for issuance of legal heirship certificate. The same has been rejected under the impugned order, dated 07.05.2021. The petitioner has filed this Writ Petition challenging the impugned order on the ground of violation of principles of natural justice, as no opportunity of hearing was granted to her and also on the ground that the said impugned order is a non speaking order.

3.Heard Mr.R.Murugappan, learned Counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who takes

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



notice on behalf of the respondents.

4.It is the contention of the petitioner that though all the required documents are produced, the second respondent has rejected the petitioner's online application seeking for issuance of legal heirship certificate for her deceased husband, Kannaiah, who died on 07.01.2020, by a non speaking order.

5.As seen from the impugned order, no opportunity of hearing was granted to the petitioner. The impugned order is a non speaking order, which reads as follows: "As per CSC report applicant not submit document .. so please reject sir.."

6.Being a non speaking order and issued in violation of principles of natural justice, this Court is of the considered view that the impugned order has to be quashed and the matter has to be 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 any other legal heirs of the deceased Kannaiah. No prejudice will be caused to the respondents, if such an exercise is done.

7.For the foregoing reasons, the impugned order, dated 07.05.2021 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 any other legal heirs of the deceased Kannaiah, and pass final orders within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is directed to submit a fresh online application along with the requisite documents to enable the second respondent to pass final orders, as directed supra.

8.With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr



To

1.The Revenue Divisional Officer,
Aruppukkottai, Virudhunagar District.

2.The Tahsildar,
Taluk Office, Aruppukkottai,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-15327[F] dated 30/03/2022)

+1 CC to M/s.R.MURUGAPPAN, Advocate (SR-15430[F] dated 30/03/2022)

W.P. (MD)No.5454 of 2022
28.03.2022

SD(CO)
KB(04.04.2022) 3P 5C