



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.5633 of 2022

and

W.M.P.[MD]No.4540 of 2022

WEB COPY

R.Dinesh

... Petitioner

Vs.

The Tahsildar,
Madurai East Taluk,
Y.Othakadai,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 18.03.2022 and quash the same and consequently direct the respondent to issue legal heirship certificate to the petitioner.

For Petitioner

: Mr.J.Anandkumar

For Respondents

: Mr.D.Sasikumar

Additional Government Pleader

O R D E R

This writ petition has been filed challenging the order dated 18.03.2022 passed by the respondent rejecting the petitioner's application seeking for issuance of legal heirship certificate on the ground that the name of the wife of the deceased mentioned in the death certificate is Arumugam whereas in the application submitted by the petitioner it has been disclosed as Vijayakumari.

2.The petitioner has challenged the impugned order on the ground of violation of principles of natural justice as well as on the ground that by total non-application of mind to the documents, the impugned order has been passed.

3.As seen from the impugned order, no opportunity of hearing has been granted to the petitioner and other legal heirs of the deceased A.Ramanathan. According to the petitioner, he is the son of the deceased A.Ramanathan and his mother is Vijayakumari, who is the legally wedded wife of A.Ramanathan. According to the petitioner, out of the second marriage with Arumugam, A.Ramanathan, his father had two female children. It is also the contention of the petitioner that his mother Vijayakumari is dead and the second wife of A.Ramanathan namely Arumugam is alive. According to him, without affording any opportunity of hearing, by total non-application of mind, the impugned order has been passed.



4.As rightly contended by the learned Counsel for the petitioner, no opportunity of hearing has been granted to the petitioner and other legal heirs of the deceased A.Ramanathan. The impugned order is also a non-speaking order. The respondent has rejected the petitioner's application on the ground that the name of the wife of the deceased A.Ramanathan in the death certificate is mentioned as Arumugam whereas in the application submitted by the petitioner seeking for legal heirship certificate it is disclosed as Vijayakumari. Though the order says that the application has been rejected based on enclosed documents, the nature of the documents relied upon by the respondent has not been mentioned. Hence, it is a non-speaking order.

5.For the foregoing reasons, this Court is of the considered view that 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 and other legal heirs of the deceased A.Ramanathan.

6.Accordingly, the impugned order dated 18.03.2022 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 legal heirs of the deceased A.Ramanathan, within a period of twelve [12] weeks from the date of receipt of a copy of this order. The petitioner and other legal heirs are permitted to submit documents in support of their respective contentions before the respondent.

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

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To
The Tahsildar,
Madurai East Taluk,
Y.Othakadai,
Madurai District.

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-15480[F] dated 30/03/2022)
+1 CC to M/s.SPL GP (SR-15658[F] dated 31/03/2022)

W.P. [MD]No.5633 of 2022

30.03.2022

MGJ(08.04.2022) 2P 4C

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