



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.6000 of 2022

A.Tamilselvi

... Petitioner

Vs

1.The District Collector,
Tiruchirappalli,
Collectorate Building,
Cantonment, Tiruchirappalli - 620 001.

2.The Tahsildar,
Manapparai, Tahsildar's Office,
Manapparai Town,
Tiruchirappalli District - 621 306. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order, passed by the 2nd respondent, dated 23.03.2022, in Mu.Mu.A.4/1565/2022 and quash the same and consequently directing the 2nd respondent to issue legal heirship certificate to the petitioner on her application, dated 01.03.2022, in application No.TN-7202203011172.

For Petitioner : Mr.K.S.Kathiravan

For Respondents : Mr.B.Saravanan

Additional Government Pleader

ORDER

This writ petition has been filed challenging the order, dated 23.03.2022, passed by the second respondent rejecting the petitioner's application, seeking for issuance of Legal Heirship Certificate for her late husband Amalraj, who died on 15.10.2020.

2.According to the petitioner, she is the legally wedded wife. It is her case that she and her son namely Ebi Silvestor are the only legal heirs for the deceased Amalraj. According to the petitioner, by total non application of mind to the Christian Law of Inheritance, the second respondent has passed an order directing the petitioner to approach the Civil Court on the ground that the petitioner's husband Amalraj had two children born out of a illicit relationship. According to the petitioner, under the Christian Law of inheritance, the illegitimate children do not have any right to claim right over the property of a deceased. The petitioner has challenged the impugned order on the ground that the contentions of the petitioner has not been considered and it is a non speaking order.



3. Heard Mr.K.S.Kathiravan, learned counsel appearing for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4. According to the learned Additional Government Pleader for the respondents, only in accordance with the Circular issued by the Inspector General of Registration, the impugned order has been passed directing the petitioner to approach the Civil Court.

5. As seen from the impugned order, the contentions of the petitioner has not been considered on merits and in accordance with law. The petitioner contends that as per the Christian Law of Inheritance, illegitimate children are not entitled for any share from the deceased. No reasons have been given by the second respondent with regard to the contentions raised by the petitioner, in stead, by a non speaking order, only on the ground that the deceased was having illicit relationship and illegitimate children the petitioner has been directed to approach the Civil Court for obtaining Legal Heirship Certificate for her deceased husband Amalraj.

6. Being a non speaking order and an order, which has not considered the contentions of the petitioner, which have been raised in this writ petition, the impugned order has to be necessarily quashed and the matter remanded back to the second respondent for fresh consideration 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 time frame to be fixed by this Court.

7. For the foregoing reasons, the impugned order, dated 23.03.2022, 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 including granting her the right of personal hearing, within a period of twelve weeks from the date of receipt of a copy of this order. The second respondent shall consider the contentions raised by the petitioner in this writ petition on merits and in accordance with law, while passing the final orders, pursuant to the directions given by this Court.

7. With the aforesaid directions, this writ petition is disposed of. No costs.

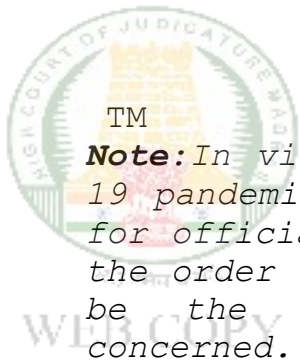
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



TM

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

1.The District Collector,
Tiruchirappalli,
Collectorate Building,
Cantonment, Tiruchirappalli - 620 001.

2.The Tahsildar,
Manapparai, Tahsildar's Office,
Manapparai Town,
Tiruchirappalli District - 621 306.

+1 CC to M/s.K.S.KATHIRAVAN, Advocate (SR-16146[F] dated 01/04/2022)

+1 CC to M/s.SPL GP (SR-16337[F] dated 04/04/2022)

W.P. (MD)No.6000 of 2022
01.04.2022

RD(08.04.2022) 3P 5C