



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.6378 of 2022

Ramanathan

.. Petitioner

Vs

1.The District Collector,
Trichy District.

2.The Tahsildar,
Musiri Taluk Office,
Trichy District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order passed by the 2nd Respondent in Oo.Ku.A2/1070/2022, dated 07.02.2022 and quash the same as illegal and consequently direct the 2nd Respondent to issue legal heir certificate to the petitioner.

For Petitioner : Mr.K.Arunraj

For Respondents : Mr.M.Lingadurai

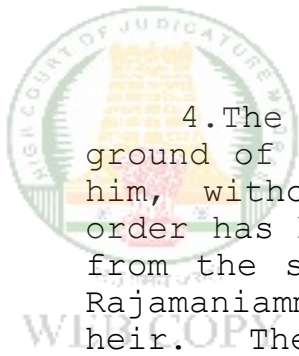
Special Government Pleader

ORDER

This writ petition has been filed challenging the order, dated 07.02.2022, passed by the second respondent rejecting the petitioner's application seeking for a Certificate from the second respondent requesting him to issue a Certificate declaring that there are no legal heirs for Perumal Chettiyar and Rajamaniammal.

2.According to the petitioner, the aforementioned couple died issueless. It is his case that he had mortgaged his property with them and availed loan. According to the petitioner, he has repaid the loan. Since the couple have not left behind any legal heir, only to prove his case that he has repaid the debt, he has given a representation to the official respondents, seeking for a Certificate as stated supra. It is also his case that the mortgage encumbrance is still reflected in the Encumbrance Certificate. However, according to him, under the impugned order without giving any opportunity of hearing to the petitioner, the second respondent rejected his application on 07.02.2022, directing him to approach a Civil Court.

3.Heard Mr.K.Arunraj, learned counsel appearing for the petitioner and Mr.M.Lingadurai, who accepts notice on behalf of the respondents.



4.The petitioner has challenged the impugned order on the ground of violation of principles of natural justice. According to him, without affording any opportunity of hearing, the impugned order has been passed. The petitioner has sought for a Certificate from the second respondent declaring that Mr.Perumal Chettiyar and Rajamaniammal have died issueless and they do not have any legal heir. The said application has been rejected under the impugned order. As seen from the impugned order, no opportunity of hearing was granted to the petitioner.

5.Hence, this Court is of the considered view that principles of natural justice has been violated as none of the documents filed along with the writ petition have been considered in the impugned order. Accordingly, the impugned order, dated 07.02.2022, 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 and the second respondent shall pass final orders, within a period of twelve weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner including granting him the right of personal hearing.

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

Sd/-

Assistant Registrar (AS)

// 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,
Trichy District.

2.The Tahsildar,
Musiri Taluk Office, Trichy District.

+1 CC to M/s.K. ARUNRAJ, Advocate (SR-17103[F] dated 07/04/2022)
+1 CC to M/s.SPL.GP (SR-17187[F] dated 07/04/2022)

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