



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.6785 of 2022

and

W.M.P. [MD]No.5235 of 2022

WEB COPY

Jayalakshmi

... Petitioner

Vs.

1.The Tahsildar,
Kovilpatti Taluk,
Thoothukudi District.

2.The Village Administrative Officer,
Nakkalamuthanpatti Village,
Kovilpatti Taluk,
Thoothukudi 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 pertaining to the impugned online application rejection status report dated NIL of the first respondent regarding the petitioner's application number TN-720220101279 and to quash the same and consequently direct the first respondent to issue legal heir certificate to the petitioner's deceased grandfather Subbiah Naicker by mentioning the names of (1) Ramu Ammal - Wife, (2) Veeralakshmi - Daughter (3) Subbuthai - Daughter as his legal heirs.

For Petitioner : Mr.M.Karuppasamy

For Respondents : Mr.B.Saravanan
Additional Government Pleader

O R D E R

This writ petition has been filed challenging the impugned order dated Nil passed by the first respondent rejecting the petitioner's application seeking for issuance of legal heirship certificate for her deceased grandfather Subbiah Naicker.

2.The petitioner has challenged the impugned order on the ground of violation of principles of natural justice. According to her, without assigning any reasons, the impugned order has been passed. It is also her contention that no opportunity of hearing was granted to the petitioner and the documents produced by her have also not been considered. It is her contention that she has produced all the documents before the first respondent for getting a legal heirship certificate for her deceased grandfather Subbiah Naicker.



3.As seen from the impugned order, no reasons have been given for rejection of the petitioner's application seeking for issuance of legal heirship certificate. The petitioner has filed the following documents along with the writ petition:

'a) Copy of the death certificate of the petitioner's mother Veeralakshmi dated 16.08.2019.

b) Copy of the legal heirship certificate of the petitioner's mother Veeralakshmi dated 14.05.2021.

c) Copy of the death certificate of the petitioner grandmother Ramu Ammal dated 24.12.2021

d) Copy of the death certificate of the petitioner's grandfather Subbiah Naicker dated 24.12.2021.'

4.However, under the impugned order, the aforementioned documents have not been considered. By a non-speaking order the petitioner's application has been rejected. No opportunity of hearing was also granted to the petitioner.

5.For the foregoing reasons, this Court is of the considered view that the impugned order dated Nil passed by the first respondent has to be quashed and remanded back to the first 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 and also permit her to produce all the relevant documents to substantiate her case that she is entitled for a legal heirship certificate for her deceased grandfather Subbiah Naicker.

6.In the result, the impugned order dated Nil passed by the first respondent is hereby quashed and the matter is remanded back to the first respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner and other necessary parties, if any, including granting them the right of personal hearing and also permit her to produce all the relevant documents in support of her case within a period of twelve [12] weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1.The Tahsildar,
Kovilpatti Taluk,
Thoothukudi District.

2.The Village Administrative Officer,
Nakkalamuthanpatti Village,
Kovilpatti Taluk,
Thoothukudi District.

+1 CC to M/s.M.KARUPPA SAMY, Advocate (SR-18066[F] dated
12/04/2022)

+1 CC to M/s.SPL.GP. (SR-18569[F] dated 13/04/2022)

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RK(26/04/2022) 3P 5C