



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.6803 of 2022

and

W.M.P.[MD]No.5250 of 2022

WEB COPY

J.Seeniammal

... Petitioner

/Vs./

The Tahsildar,
Sivakasi Taluk,
Taluk Office,
Sivakasi,
Virudhunagar District.

... Respondent

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 proceeding dated 15.12.2021 passed in Application No. TN 7202112152523 by the Respondent and quash the same and consequently direct the Respondent herein to issue legal Heirship of Late.K.Jawahar to the name of the petitioner and her 3 children following their names as 1.Santhi Kanmani 2. Paramasivam Sundar and 3. Ajay Krishna.

For Petitioner

: Mr.S.Mahalingam

For Respondent

: Mr.B.Saravanan

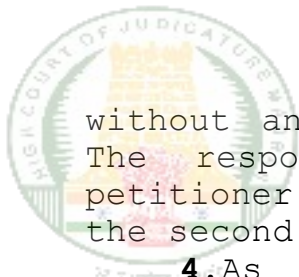
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order dated 15.12.2021 passed by the respondent rejecting the petitioner's application seeking for issuance of legal heirship certificate for her late husband, K.Jawahar, who died on 26.04.2021.

2.The respondent has rejected the petitioner's application on the ground that the petitioner is the second wife. However, according to the petitioner, only after the death of her husband's first wife, she has married Mr.K.Jawahar and therefore, she is a legally wedded wife. The petitioner has filed the death certificate of her husband's first wife, namely, Packiyalakshmi, which discloses that she died on 02.05.2010. The petitioner has married Mr.K.Jawahar, only thereafter on 16.02.2011 and therefore, her contention is that she is the legally wedded wife of Mr.K.Jawahar.

3.Admittedly, no opportunity of hearing has been granted to the petitioner with regard to her contentions. The documents filed along with this writ petition have also not been considered under the impugned order. The impugned order is a non-speaking order, as the respondent has rejected the application seeking for issuance of the legal heirship certificate for her late husband, K.Jawahar,



without any reasons to the documents produced by the petitioner. The respondent has passed the impugned order rejecting the petitioner's application only on the ground that the petitioner is the second wife of Mr.K.Jawahar.

4.As seen from the documents filed along with this writ petition, the petitioner is a legally wedded wife, as she has married Mr.K.Jawahar, only after the death of her husband's first wife. Since the impugned order has been passed by violating the principles of natural justice and by non-application of mind to the documents produced by the petitioner and it is a non-speaking order, the same will have to be 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 all the legal heirs of Mr.K.Jawahar, including granting them the right of personal hearing, as well as any other necessary party, whom the respondent deems fit to enquire.

5.For the foregoing reasons, the impugned order dated 15.12.2021 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 all the legal heirs of Mr.K.Jawahar, including granting them the right of personal hearing, as well as any other necessary party, whom the respondent deems fit to enquire, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To
The Tahsildar,
Sivakasi Taluk,
Taluk Office,
Sivakasi, Virudhunagar District.

+1 CC to M/s.S. MAHALINGAM, Advocate (SR-18539[F] dated 13/04/2022)

+1 CC to M/s.SPL.GP. (SR-18573[F] dated 13/04/2022)

W.P. [MD]No.6803 of 2022

12.04.2022

MGJ(25.04.2022) 2P 4C

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