



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.7278 of 2022

Mathivanan

... Petitioner

/Vs./

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai,
Sivagangai District.

2.The Thasildar,
Taluk Office,
Singapureri,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent office vide proceedings in Na.Ka.E1.3692/2021 dated 23.03.2022 and quash the same as illegal and consequently direct the 2nd respondent to issue a Class II legal heir certificate for the deceased Tamilselvi in favour of the petitioner within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.M.Lingadurai

Special 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 his deceased sister, Tamilselvi, on the ground that the petitioner is not a direct legal heir.

2.The issue is now well settled that the Thasildar is empowered to issue legal heirship certificate for Class-II legal heirs also by various decisions of this Court.

3.Under the impugned order, the second respondent has rejected the petitioner's application seeking for issuance of legal heirship certificate for his deceased sister only on the ground that he is not a Class-I legal heir. The petitioner claims that his sister died intestate and her husband also predeceased her. No opportunity



of hearing has also been granted to the petitioner under the impugned proceedings.

4. Being a non-speaking order and the order passed by violating the principles of natural justice and by total non application of mind to the settled law, this Court is of the considered view that the impugned order dated 23.03.2022 has to be necessarily quashed and the matter has to be remanded back to the second respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner and any other necessary party, whom the second respondent deems fit to enquire, including granting them the right of personal hearing.

5. For the foregoing reasons, the impugned order dated 23.03.2022 is quashed and the matter is remanded back to the second respondent for fresh consideration. The second respondent is directed to pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and any other necessary party, whom the second respondent deems fit to enquire, including granting them the right of personal hearing within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. It is made clear that the second respondent will have to consider the fact that it is a settled law that there is no prohibition for the Thasildar/second respondent to issue the legal heirship certificate for Class-II legal heirs also.

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

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai,
Sivagangai District.



2.The Thasildar,
Taluk Office,
Singapureri,
Sivagangai District.

WEB COPY

+1 CC to M/s.R. KARUNANIDHI, Advocate SR-19415[F] dated 19/04/2022

+1 CC to M/s.SPL.GP (SR-20091[F] dated 21/04/2022)

order made in
W.P. [MD]No.7278 of 2022
Dated: **19.04.2022**

NA(CO)
TR(28.04.2022) 3P 5C