



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.7842 of 2022

and

W.M.P.[MD]No.5897 of 2022

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Pandiammal

... Petitioner

/Vs./

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Thiruppuvanam Taluk,
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 dated 05.03.2022 issued by the 2nd respondent and quash the same as illegal and consequently, direct the 2nd respondent to issue Legal Heir Certificate to the petitioner.

For Petitioner : Mr.S.Vikram

For Respondents : Mr.D.Sasikumar,
Additional Government Pleader.

ORDER

This writ petition has been filed challenging the order dated 05.03.2022 passed by the second respondent rejecting the petitioner's application seeking for legal heirship certificate for the petitioner's deceased father, Poochi, who died on 20.06.2003. The second respondent rejected the application of the petitioner only on the ground that in the self declaration form submitted by the petitioner seeking for issuance of legal heirship certificate, the mother of the deceased Poochi has been disclosed in S.No.1, whereas she should be disclosed in the last serial number. According to the petitioner, arbitrarily, the petitioner's application has been rejected by total non-application of mind.

2.As seen from the impugned order, the only ground for rejection of the petitioner's application seeking for legal heirship certificate for the deceased father, Poochi is that in the self declaration form submitted by the petitioner, she has mentioned the name of her grandmother, who is the mother of the deceased in S.No.1, whereas according to the second respondent, she should be mentioned in the last serial number.



3. Whether the mother's name of the deceased should be mentioned in the first serial number or in the last serial number is immaterial, as the mother is admittedly a legal heir of the deceased Poochi. By total non-application of mind, the impugned order has been passed by the second respondent.

4. The petitioner also claims that she has produced all the necessary documents before the second respondent. However, the second respondent has rejected the petitioner's application without considering the documents produced by the petitioner.

5. For the foregoing reasons, due to the fact that the impugned order has been passed by total non-application of mind and no opportunity of hearing has also been granted to the petitioner, this Court is of the considered view that the impugned order has to be necessarily quashed and the matter has to be remanded back to the the second respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties whom the second respondent deems fit to enquire.

6. In the result, the impugned order dated 05.03.2022 is hereby quashed and the matter is remanded back to the the second respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner, other necessary parties whom the second respondent deems fit to enquire, granting them the right of personal hearing. The second respondent shall pass final orders in the aforesaid terms 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. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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To

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District.

+1 CC to M/s.S.VIKRAM, Advocate (SR-20830[F] dated 25/04/2022)

+1 CC to M/s.SPL.GP. (SR-21256[F] dated 26/04/2022)

W.P. [MD]No.7842 of 2022

25.04.2022