



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.18574 of 2022

Gnana Deepan

... Petitioner

VS.

The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the impugned order of the respondent dated 14.06.2022 for the petitioner's application No.TN-7202205101511 quash the same and consequently direct the respondent herein to consider the application of petitioner for grant of legal heir certificate for his adoptive mother Ramani, W/o.V.M.G.Rajasekaran and his adoptive father V.M.G.Rajasekaran, S/o.Gnanasabapathi Nadar following due process of law.

For Petitioner : Mr.S.Srinivasa Raghavan

For Respondent : Mr.K.Balasubramanian,
Special Government Pleader



ORDER

Heard the learned counsel on either side.

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2.The case of the petitioner is that he was adopted by Mr.V.M.G.Rajasekaran as son on 12.11.1997. The copy of the registered adoption deed has been enclosed in the typed set of papers. Thiru.V.M.G.Rajasekaran passed away on 09.05.2021. The adoptive mother Ramani has also passed away. She pre-deceased the adoptive father. The petitioner applied to the respondent for legal heir certificate. The petitioner's request was rejected by the impugned order. It has been passed without conducting an enquiry.

3.The order impugned in the writ petition is quashed primarily on the ground that without holding an enquiry, it had been passed. It is vulnerable on yet another ground also. The statute declares that an adopted child is on par with the biologically born child. In other words, an adopted child is a Class-I legal heir. The respondent does not appear to have appreciated these facts. He had mechanically relegated the petitioner to move the jurisdictional civil court. The order impugned in this writ petition is quashed. The writ petition is allowed. The matter is remitted to the file of the respondent. The respondent shall pass orders after enquiring the petitioner on merits and in accordance with law. This



exercise shall be completed within a period of six weeks from the date of receipt of copy of the order. No costs. Connected miscellaneous petitions are closed.

16.08.2022

skm

To

The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.



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G.R.SWAMINATHAN, J.

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