

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 46617 OF 2022

Between:

1. Smt.M.Mounika, W/o Late Santhosh Kumar, House Wife.
2. M.Aravindukumar, S/o Late Santhosh Kumar, aged 16 years.
3. M.Harshavardini, D/o Late Santhosh Kumar, aged 12 years.
4. M.Keerthana Vardini, D/o Late Santhosh Kumar, aged 10 years.

Petitioners Nos. 2 to 4 represented by the petitioner No 1 Guardian /Mother (All are R/o H No 1156/1 Budwel Rajendernagar Ranga Reddy District)

...PETITIONER(S)

AND

1. The State of Telangana, rep.by its Principal Secretary, Revenue Department, Secretariat Buildings, Hyderabad.
2. The District Collector, Ranga Reddy District,
3. The Revenue Divisional Officer, Rajendernagar Division, Ranga Reddy District.
4. The Tahasildar, Rajendernagar Mandal, Rajendernagar, Ranga Reddy District.
5. The Greater Hyderabad Municipal Corporation, rep.by its Commissioner, Hyderabad
6. The Deputy Commissioner, Circle No.11, Greater Hyderabad Municipal Corporation, Rajendernagar Circle, Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ Order or Direction more particularly one in the nature of Writ of Mandamus by declaring the action of the 4th respondent in making an endorsement by rejecting my ONLINE Application No FAMCO22201143622 dt. 14.9.2022 made by the petitioner on 21.12.2022 for issue of the Family Member

Certificate is illegal, arbitrary and further direct the Respondent Nos.3 and 4 to issue the family member certificate to the petitioners with due process of law and pass such other order or orders ✓

IA NO: 2 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 4th Respondent to issue the family member certificate taking into consideration ONLINE Application No.FAMCO22201143622 dt. 14.9.2022 by calling for the required documents from the petitioners, pending final disposal of the writ petition and pass such other order or orders; ✓

Counsel for the Petitioners: SRI. P RAGHAVENDRA REDDY

Counsel for the Respondents R1 TO R4: AGP FOR REVENUE

The Court made the following: ORDER ✓

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.46617 of 2022

ORDER:

Heard Sri P. Raghavender Reddy, learned counsel appearing for the petitioners and learned Assistant Government Pleader for Revenue appearing for respondents. Perused the record.

With their consent, this writ petition is disposed of at the admission stage. Petitioners herein have submitted online application, dated 14-09-2022 with respondent No.4 with a request to issue Family Member Certificate. Vide orders, dated 21-12-2022 respondent No.4 had rejected the same for the following reasons:

"Applicant has not submitted supporting documents hence rejected."

According to the petitioners, they have submitted copy of Death Certificate dated 27-01-2022 issued by Registrar of Births and Deaths, Goshamahal, Circle No.14, GHMC, Legal Heirs / Family Members / Declaration Certificate issued by XVI Spl. Metropolitan Magistrate, Secunderabad,

Adhar Cards, proceedings dated 09-11-2022 of GHMC and also interim order dated 27-09-2021 in W.P.No.16123 of 2021. Even then, respondent No.4 had rejected the aforesaid online application submitted by the petitioners.

Perusal of the said endorsement, dated 21-12-2022 of respondent No.4 would reveal that he has not mentioned the details of all the documents submitted by the petitioners while rejecting the online application. There is no consideration of the aforesaid documents by respondent No.4. Therefore, according to this Court, the impugned endorsement is not on consideration of the documents submitted by the petitioners. It is not a reasoned order. Any order without reasons is an order passed without application of mind and it is nullity.

In view of the aforesaid discussion, this writ petition is allowed, impugned endorsement dated 21-12-2022 of respondent No.4 is set aside and matter is remanded back to respondent No.4 with a direction to consider the aforesaid online application dated 14-09-2022 along with

aforesaid documents submitted by the petitioners and dispose of the same, strictly in accordance with law by putting the petitioners and all affected parties on notice and affording them an opportunity of hearing. If respondent No.4 is required any further information liberty is granted to him to call for the same from the petitioners and the petitioners shall furnish the said information. If he is not inclined to accept the claim/ request of the petitioners, he shall assign specific reasons, pass a reasoned order and shall communicate copy of the said order to the petitioners. He shall complete the entire exercise within a period of eight (8) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

SD/- N. SRIHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, Secretariat Buildings, State of Telangana, Hyderabad.
2. The District Collector, Ranga Reddy District,

3. The Revenue Divisional Officer, Rajendernagar Division, Ranga Reddy District.
4. The Tahasildar, Rajendernagar Mandal, Rajendernagar, Ranga Reddy District.
5. The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad
6. The Deputy Commissioner, Circle No.11, Greater Hyderabad Municipal Corporation, Rajendernagar Circle, Ranga Reddy District.
7. One CC to SRI. P RAGHAVENDRA REDDY Advocate [OPUC]
8. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, Hyderabad. [OUT]
9. Two CD Copies

HIGH COURT

KLJ

DATED: 30/12/2022

ORDER

WP.No.46617 of 2022



WRIT PETITION IS ALLOWED OF WITHOUT COST