



W.P.No.6588 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2023

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.6588 of 2023
and W.M.P.No.6659 of 2023

Elizabadhkumari

. . . Petitioner

vs.

1. The Tahsildar
Nemili Taluk Office,
Nemili, Ranipet District,
Pin Code-631 051.
2. The Revenue Divisional Officer,
Ranipet District,
Ranipet.
3. The Inspector of Police
Nemili Police Station,
Nemili Village & Taluk,
Ranipet-631 051.
4. G.Sundar

. . . Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Certiorarified Mandamus or any other appropriate Writ or



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Order or Direction in the nature of Writ, to call for the records pertaining to the orders passed in Mu.Mu.C1/204/2022 dated 03.03.2022 on the file of the 1st respondent and quash the same and direct the 1st respondent to issue a Legal Heir Certificate to the petitioner as Sole Legal Heir of the petitioner's deceased husband Yesu @ Yesupatham who died on 21.09.2019 in Padi Village, Nemili Taluk, Ranipet District-631 051 besides directing the Respondents 1,2 & 3 to give necessary legal protection for the petitioner to live in the petitioner's deceased husband's premises at No109, Pillayar Koil Street, Padi Village, Nemili Taluk, Ranipet District-631 051 by restraining the 4th respondent from disturbing and interfering in the lawful occupation of the petitioner's matrimonial residence abode at No.109, Piullayar Koil Street, Padi Village, Nemili Taluk, Ranipet District-631 051.

For Petitioner : M/s. R.Natarajan

For Respondents : Mr.E.Veda Bagath Singh,
Special Government Pleader for R1 to R3

ORDER

This Writ Petition has been filed for quashment of the impugned order dated 03.03.2022 which came to the passed by the 1st respondent herein and for a consequential direction to the 1st respondent to issue a Legal Heir Certificate to the petitioner who claims to be the sole Legal heir



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of her deceased husband namely Yesu @ Yesupatham who had passed away on 21.09.2019.

2. It is the case of the petitioner that she is a physically challenged women. The marriage between the petitioner and her husband namely Yesu @ Yesupatham was solemnized as per the Christian marriage procedure and the same was duly registered on 23.05.2009 in the Marriage Register Book on the file of the Marriage Registrar. However, they had no issues out of the wedlock. After the demise of said Yesu @ Yesupatham, the petitioner being the sole legal heir of her husband, had made an application seeking legal heirship certificate before the 1st respondent, however, the petitioner's claim was rejected by way of the present impugned order dated 03.03.2022. Challenging the said impugned order, the present Writ Petition has been filed.

3. Learned counsel for the petitioner submits that though the 1st respondent had rejected the claim of the petitioner vide the impugned order based on the enquiry report of the Revenue Inspector, however, no specific



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reason has been quoted for the rejection of the petitioner's claim in the report. Therefore, the order impugned in this Writ Petition being bereft of any reason, the same is liable to be interfered with.

4. Learned Standing Counsel appearing for the respondents submits that the order impugned may be set aside and the matter be remanded back to the authority for fresh consideration.

5. This Court heard the learned counsel appearing on either side and perused the materials available on record.

6. A perusal of the materials available on record reveals that the impugned order has been passed without giving any specific reason for rejecting the claim of the petitioner. Therefore, the order impugned in this Writ Petition cannot be sustained as it is a non-speaking order and the same is liable to be set aside. Accordingly, the impugned order passed by the 1st respondent is set aside and the matter is remanded to the 1st respondent for fresh consideration and the 1st respondent is directed to decide the issue and



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pass appropriate speaking orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner.

7. This Writ Petition is allowed with the above direction. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition stands closed.

06.03.2023

NHS

Index : Yes / No

Internet : Yes / No

To

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M.DHANDAPANI, J.

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