



W.P.No.8638 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8638 of 2023

S.Malarkodi

.. Petitioner

Vs.

1. The District Collector,
Cuddalore District.

2. The Tahsildar,
Viruthachalam Taluk Office,
Viruthachalam,
Cuddalore District.

3. The Village Administrative Officer,
Virudhachalam Town,
Cuddalore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Certiorarified Mandamus by calling for the records of the 2nd respondent rejection order dated 02.02.2023 in petitioner application No.TN-7202302022164 and quash the same as arbitrary, illegal and consequently direct the 2nd respondent to consider the petitioner representation dated 20.02.2023 within time frame fixed by this Court.



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For petitioner : Mr.T.Medhanathan

For Respondents : Mr. E.Veda Bagath Singh,

Special Government Pleader

ORDER

This Writ Petition has been filed seeking to quash the impugned rejection order dated 02.02.2023 passed by the 2nd respondent and for a direction to the 2nd respondent to consider the representation made by the petitioner on 20.02.2023.

2. Mr.E.Veda Bagath Singh, learned Special Government Pleader takes notice for respondents.

3. It is the case of the petitioner that she made an application on 02.02.2023 through online seeking legal heirship certificate in respect of her deceased husband. However, the said application was rejected by the 2nd respondent vide impugned order dated 20.02.2023 without stating any reason for rejecting the claim of the petitioner. Challenging the said order, this Writ Petition has been filed.



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4. Learned counsel for the petitioner submits that the order impugned in this Writ Petition is a non-speaking order as the same has been passed without stating the basis on which the petitioner's claim was rejected. Hence, this Court may direct the 2nd respondent to issue a speaking order stating the reason for rejection.

5. On the above contention, this Court heard the learned Special Government Pleader and perused the materials available on record.

6. A perusal of the impugned order reveals that a non-speaking order has been passed without specifying a reason for rejecting the claim of the petitioner. Though a larger relief has been sought for in this Writ Petition, in view of the limited relief sought for by the petitioner, this Court is inclined to direct the 2nd respondent to pass a speaking order and communicate the same to the petitioner to enable her to prefer an appeal before the Revenue Divisional Officer. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.



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7. This Writ Petition stands disposed of with the aforesaid direction. There shall be no order as to costs.

20.03.2023

nhs

Index : Yes / No

Internet : Yes / No

To

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M.DHANDAPANI, J.

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