



W.P.No.6699 of 2023

M.DHANDAPANI. J.,

Today, when the matter is taken up for hearing on being mentioned, learned counsel for the petitioner submitted that a typographical error has been made in the cause title wherein the petitioner's name was typed as K.Kasturi instead of S.Kasturi of the order dated 07.03.2023. Therefore, necessary correction be made to modify the initial of the petitioner in the cause title of the order dated 07.03.2023.

2. A perusal of order dated 07.03.2023 reveals that an erroneous submission has been recorded. Accordingly, the name of the petitioner in the cause title of the order dated 07.03.2023 shall stand replaced as “**S.Kasturi** instead of **K.Kasturi**”.

3. Registry is directed to change the name of the petitioner in the cause title of the order dated 07.03.2023 and and issue fresh order copy to the parties.



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M.DHANDAPANI. J.,

(rap)

4. In other respects, the order dated 07.03.2023 shall remain unaltered.

21.06.2023

(rap)

W.P.No.6699 of 2023



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2023

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.6699 of 2023

and

W.M.P.No.6753 of 2023

K.Kasturi

...Petitioner

vs.

1. The State Rep. by Home Secretary,
St.George Fort,
Secretariat, Chennai – 600 101.

2. The Tahsildar,
Poonamallee,
Chennai – 56.

3. K.Mala

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned web-copy order passed by the second respondent dated 23.12.2021 and to quash the same.

For Petitioner : Mr.A.Manju

For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader [R1 & R2]



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ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorari to call for the records pertaining to the impugned order passed by the second respondent dated 23.12.2021 and to quash the same.

2. Since no adverse order is being passed against the third respondent notice to the third respondent is dispensed with.

3. It is the case of the petitioner that the petitioner along with one Lalitha are the daughters of one S.C.Swamy. Subsequently, the mother of the petitioner left her father and her father married another women namely Jothi. After the demise of said S.C.Swamy, the petitioner along with her sister applied for death certificate and legal heirs certificate through their present mother Jothi. Thereafter, the petitioner's mother i.e., Jothi jointly purchased a property along with her younger sister Mala i.e., third respondent on 27.03.2007. After the demise of said Jothi, when the petitioner applied for legal heir certificate, the third respondent with an ill motive has raised objections before the authority from issuing legal heir



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certificate and the said application was mechanically rejected vide order dated 23.12.2021 passed by the second respondent without assigning any reasons. Challenging the same, the present writ petition has been filed.

4. Learned counsel appearing for the petitioner submits that though the petitioner and her sister are class I legal heir of the deceased Jothi, the second respondent rejected the petitioner's application seeking legal heir certificate without assigning any reasons is unsustainable. Hence, the order passed by the second respondent is wholly misconceived. Therefore, this Court may set aside the impugned order dated 23.12.2021 and remand the matter to the second respondent for fresh consideration and pass appropriate orders within the time frame that may be stipulated by this Court.

5. Learned Special Government Pleader appearing for respondents 1 and 2 fairly admitted that the second respondent has passed the impugned order without assigning any reasons. Hence, this Court may remand the matter to the second respondent for fresh consideration.



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6. A perusal of the impugned order reveals that the second respondent has rejected the petitioner's application seeking legal heirship certificate without assigning any reasons. Hence, the impugned order dated 23.12.2021 passed by the second respondent is set aside on the ground of the order being a non-speaking order and the matter is remanded to the second respondent for fresh consideration and to conduct an enquiry by affording opportunity to all the aggrieved parties and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

7. With the above observation and directions, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

07.03.2023

RAP

Index : Yes/No

Speaking order : Yes/No



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To

1. Home Secretary,
St.George Fort,
Secretariat, Chennai – 600 101.
2. The Tahsildar,
Poonamallee,
Chennai – 56.



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M.DHANDAPANI, J.

RAP

W.P.No.6699 of 2023

07.03.2023