



W.P(MD)No.2191 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2191 of 2022

and

W.M.P.(MD)No.1908 of 2022

S.Velammal

... Petitioner

Vs.

1.The District Collector,
Virudhunagar,
Virudhunagar District.

2.The Revenue Divisional Officer,
Aruppukottai Division,
Virudhunagar District.

3.The Thasildar,
Virudhunagar Taluk,
Virudhunagar District.

4.S.Balamurugan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned proceedings in Moo.Mu.A5/5060/2020 dated 23.11.2021 issued by the 2nd respondent and quash the same as illegal and



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consequently direct the official respondents to restore the Legal Heir Certificate dated 29.10.2019 issued by the 3rd respondent to the petitioner being the class-I legal heir for her adopted parent.

For Petitioner : Mr.R.Babu Jaganath

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R3.
No appearance for R4.

ORDER

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the respondents 1 to 3.

2.The writ petitioner contends that she was given in adoption to one Subbiah and Azhgammal. In the school records enclosed in the typed set of papers, it is seen that the petitioner's father's name was mentioned as Subbiaiyan. Subbiah as well as Azhgammal are no more. The petitioner obtained certificate that she is their legal heir. This certificate was issued pursuant to the direction given vide order dated 10.08.2018 in W.P.(MD)No.17310 of 2018. The legal heir certificate issued in favour of the petitioner has been enclosed in the typed set of papers. The said certificate dated 29.10.2019 was set aside vide proceedings dated 23.11.2021 by the



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Revenue Divisional Officer, Aruppukottai. This was done at the instance of the fourth respondent herein. Though the fourth respondent has been served and his name is printed in the cause list, he has not chosen to enter appearance before this Court to oppose the writ prayer.

3.The cancellation order was passed without putting the petitioner on notice. It is in violation of the principles of natural justice. On this ground, the impugned order is set aside. The matter is remitted to the file of the second respondent. The second respondent will issue notice to the fourth respondent as well as the petitioner herein and pass an order afresh on merits and in accordance with law. It is well settled that even an adoptive daughter has the same status as a bio-logical child. It is for the second respondent to satisfy himself that if the certificate issued in favour of the petitioner was rightly issued. The second respondent will take a call in the matter after perusal of all the materials to be produced by the petitioner. Till such an order is passed, the legal heir certificate issued in favour of the petitioner will very much hold good. This exercise shall be completed by the second respondent within a period of three months from the date of receipt of a copy of this order. I make it clear that I have not gone into the merit of the matter.



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4.The writ petition is allowed accordingly. No costs. Consequently,
connected miscellaneous petition is closed.

11.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The District Collector,
Virudhunagar,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
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- 3.The Thasildar,
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G.R.SWAMINATHAN, J.

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