

W.P(MD).No.19111 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.19111 of 2024

and

W.M.P(MD).Nos.16168 and 16169 of 2024

P.Jeyanthi

... Petitioner

Vs.,

1.The District Collector,
O/o., The District Collectorate,
Madurai.

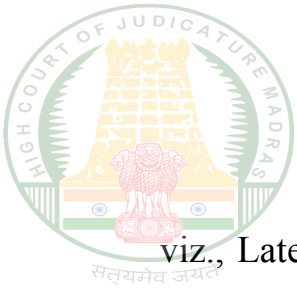
2.The Revenue Divisional Officer,
O/o., The Revenue Divisional Officer,
Madurai District.

3.The Tahsildar,
Melur Taluk,
Madurai District.

4.Ranjitham

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the third respondent in the application preferred by the petitioner vide Application No.TN 720240701429 and quash the same as illegal and consequently to direct the third respondent to issue legal heir certificate of her deceased father



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viz., Late.G.Ponnuraj in the name of the petitioner within the period that may be stipulated by this Court.

For Petitioner : M/s.H.Jasima Yasmin
for M/s.Ajmal Associates
For R1 to R3 : Mr.D.Gandhiraj
Special Government Pleader

ORDER

The writ petition has been filed challenging the order passed by the third respondent in the application preferred by the petitioner vide Application No.TN 720240701429 with consequential direction to the third respondent to issue legal heir certificate of her deceased father viz., Late.G.Ponnuraj in the name of the petitioner.

2. By consent, the writ petition is taken up for final disposal at the admission stage itself.

3. Heard both sides. Since no adverse order is going to be passed, notice to the fourth respondent is dispensed with.



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4. The case of the writ petitioner is that her father, namely, G.Ponnuraj died on 16.06.2024 and therefore, the petitioner applied for legal heir certificate to the third respondent and the same was rejected on the ground that the fourth respondent, who is claiming to be the second wife of Late.G.Ponnuraj, raised objection. Hence, she seeks direction.

5. The learned counsel appearing for the petitioner would submit that the order impugned in this petition does not give any reason and without conducting any enquiry, merely on the basis of the objection raised by a person, who is claiming to be the second wife of the deceased Ponnuraj, the third respondent passed rejected the application of the petitioner.

6. At the outset, this Court is of the view that the very order cannot be sustained in the eye of law, for the simple reason that any order must reflects reasons for rejection. Merely because an objection raised, rejection order cannot be made mechanically without conducting any proper enquiry. In this regard, the Tahsildar ought to have conducted enquiry calling upon both the parties and find out whether there was valid marriage exists between the fourth respondent and the deceased G.Ponnuraj, to make such objection etc. Without doing so, rejecting the application mechanically cannot be sustained in the eye of law.



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7. Accordingly, the order impugned in this writ petition is hereby quashed. The matter is remitted back to the Tahsildar, Melur Taluk, Madurai, is directed to take fresh enquiry by issuing notice to the petitioner as well the so called objector and pass appropriate order within a period of two months from the date of receipt of a copy of this order.

8. With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

07.08.2024

NCC : Yes/No
Index : Yes/No

Rmk

To

- 1.The District Collector,
O/o., The District Collectorate,
Madurai.
- 2.The Revenue Divisional Officer,
O/o., The Revenue Divisional Officer,
Madurai District.
- 3.The Tahsildar,
Melur Taluk,
Madurai District.

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N.SATHISH KUMAR, J.

Rmk

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