



W.P.(MD)No.4031 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4031 of 2025

and

W.M.P.(MD)No.2898 of 2025

U.Mohamed Shaliha

... Petitioner

-VS-

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildhar,
Taluk Office,
Madurai East Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order Nil, dated 06.01.2025, issued by the second respondent and quash the same as illegal and consequently, direct the second respondent to issue Legal Heir Certificate of Late.M.Mohamed Shaliha, S/o.Mohamed Bavasa, to the petitioner, based on his application in TN-7202411301391, dated 30.11.2024, within the stipulated time fixed by this Court.



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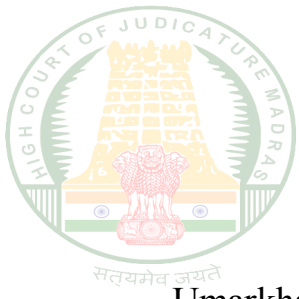
For Petitioner : Mr.S.K.Muthamil Venthan
For Respondents : Mr.C.Venkatesh Kumar
Special Government Pleader

ORDER

This Writ Petition has been filed seeking to quash the impugned order No.Nil, dated 06.01.2025, issued by the second respondent and consequently, direct the second respondent to issue Legal Heirship Certificate of Late.M.Mohamed Shaliha, S/o.Mohamed Bavasa, to the petitioner, based on his application in TN-7202411301391, dated 30.11.2024.

2. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner claims that his grandfather, M.Mohamed Shaliha, son of Mohamed Bavasa, had only one son, Umarchan Sarthar, who is the father of the petitioner. The petitioner's grandfather passed away on 21.07.1960, leaving behind his wife, Amina Beevi, and his son, Umarchan Sarthar, as his legal heirs. The petitioner's grandmother passed away on 23.11.1979 and his father,



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Umarkhan Sarthar, passed away on 03.12.2009, leaving the petitioner as his sole legal heir. On 30.11.2024, the petitioner applied for a Legal Heirship Certificate for his grandfather before the second respondent and paid the necessary fees. However, on 06.01.2025, the second respondent rejected the petitioner's application without providing any reason. This led to the filing of the present Writ Petition against the impugned order.

4. Heard both sides.

5. This Court, after considering the submissions of the petitioner and the absence of any reasons in the impugned order dated 06.01.2025, finds merit in the petitioner's contention. The rejection of the petitioner's application for the Legal Heirship Certificate by the second respondent without providing any justification is arbitrary and not in accordance with the established legal principles. This Court emphasizes that every administrative decision, especially one that affects a person's rights, must be supported by adequate reasons, allowing the aggrieved party to understand the basis of the decision and seek appropriate recourse, if necessary.



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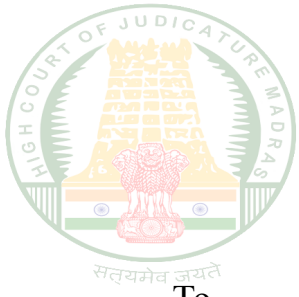
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6. In the light of the submissions and the absence of reasons in the impugned order of the second respondent dated 06.01.2025, this Court sets aside the said order. The matter is remanded back to the second respondent for a fresh consideration. The petitioner is permitted to make a fresh application for the Legal Heirship Certificate within a period of one week from the date of receipt of a copy of this order. Upon receipt of the fresh application, the second respondent is directed to pass a fresh order on the petitioner's application, considering the merits of the case and in accordance with the law, within a period of three weeks thereafter. Furthermore, the second respondent is directed to provide clear reasons for their decision in the fresh order, ensuring that it complies with the legal requirements and principles of natural justice.

7. Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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