

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.17127 of 2018

Periya Thambi  
S/o Varadha Gounder

.. Petitioner

-vs-

1. The District Collector  
Collector Office  
Krishnagiri

2. The Tahsildar  
Taluk Office  
Uthangarai  
Krishnagiri District

3. The Village Administrative Officer  
Kilkuppam  
Uthangarai Taluk  
Krishnagiri District

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 19.04.2018 with respect to issuance of Legal heir certificate for obtaining patta for his peaceful possession and enjoyment of the land belongs to his aunt Patchaiyammal comprised in Survey No.37/15 to the extent of 0.21.5 hectare in patta No.81, situated at Periya Bompathi Village, Natchipatti Post, Uthangarai Taluk, Krishnagiri District.

For Petitioner :: Mr.K.L.Sekar

For Respondents :: Mr.D.Suryanarayanan  
Additional Government Pleader

ORDER

The petitioner seeks for issuance of a writ of mandamus directing the second respondent to consider his representation dated 19.04.2018 with respect to issuance of legal heirship certificate for obtaining patta for his peaceful possession and enjoyment of the land belonging to his aunt Patchaiyammal

comprised in Survey No.37/15 to an extent of 0.21.5 hectare in patta No.81, situated at Periya Bompathi Village, Natchipatti Post, Uthangarai Taluk, Krishnagiri District.

2. Learned counsel for the petitioner submitted that the petitioner is a senior citizen and agriculturist. According to the petitioner, his aunt Patchaiyammal married one Manickam and after the death of her husband, she came to the petitioner's house and settled with him. She is also not having any issues or legal heirs. As she was having land in her village comprised in Survey No.37/15 having an extent of 0.21.5 ha, she was issued with the patta No.81. After the death of his aunt, the petitioner has been in peaceful possession and enjoyment of the land by paying tax to the land. The Village Administrative Officer, Kilkuppam, the third respondent herein has also issued a certificate certifying that the petitioner has been cultivating her land by paying the tax. Therefore, the representation of the petitioner to issue the legal heirship certificate should be considered by the Tahsildar, Uthangarai.

3. But this Court hardly finds any justification for the petitioner to come to this Court seeking a direction to the Tahsildar, Uthangarai for issuance of a legal heirship certificate, when the petitioner is not even able to show any iota of evidence showing that Mrs.Pachaiyammal is his aunt. Merely on the basis of the letter issued by the Village Administrative Officer, Kilkuppam, the third respondent herein that he has been cultivating the land, this Court cannot act on the basis of such letter, because the letter says that the petitioner is only cultivating the land owned by Mrs.Pachaiyammal. Therefore, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

ss

To

1. The District Collector  
Collector Office  
Krishnagiri

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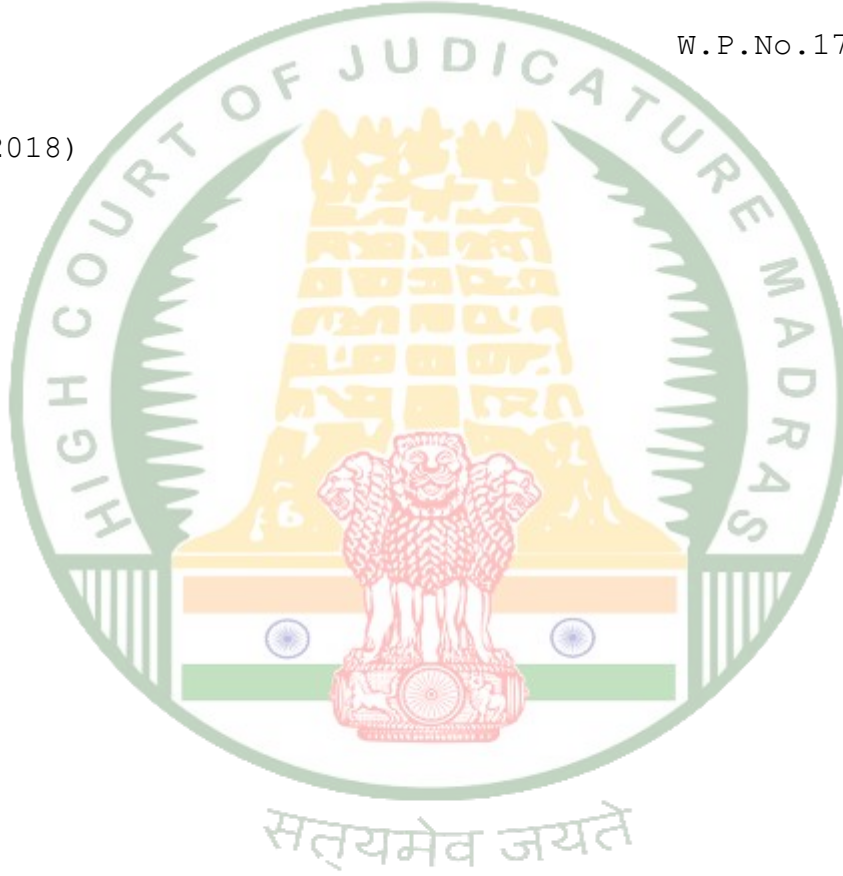
2. The Tahsildar  
Taluk Office  
Uthangarai  
Krishnagiri District

3. The Village Administrative Officer  
Kilkuppam  
Uthangarai Taluk  
Krishnagiri District

+1cc to the Government Pleader, S.R.No. 45381

W.P.No.17127 of 2018

TR(24/07/2018)



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