

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2020

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.32330 of 2019

V.Merry

...Petitioner

Vs

1.The Revenue Divisional Officer, (RDO)
O/o. North Chennai Division,
(E) Thandaiyarpettai,
Chennai-600 081

2.The Tahsildar,
O/o. Perambur Taluk Office,
Perambur,
Chennai-11

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent (RDO) to take further/proper action in pursuant to the petitioner's representation dated 12.03.2019 and thereby issuing a summon vide Na.Ka.No.A2/1017/2017 dated 13.05.2019 by the 1st respondent's RDO office, and to cancel/revoke the legal heir certificate vide No.R.Dis (D1) 43105/99 dated 27.10.1999 issued by the 2nd respondent's Taluk Office and consequently to be issued a fresh L.Rs certificate of deceased Sriramalu within stipulated time.

For Petitioner: Mr.P.A.Chithramani

For Respondents: Mrs.P.Rajalakshmi
Addl. Govt. Pleader

ORDER

The father of the petitioner Sriramalu died on 26.07.1978 he had left behind him as Legal heirs, the following persons:

S.No.	NAME	AGE	RELATIONSHIP	MARRIED/UNMARRIED
1.	Smt.Susila	66	Wife	Widow
2.	Smt.Merry		Daughter	Married

S.No.	NAME	AGE	RELATIONSHIP	MARRIED/UNMARRIED
3.	Smt.Subha		Daughter	Married
4.	Smt.Sheeba		Daughter	Married
5.	Mr.Davidbalu		Son	Married
6.	Mr.Isrel		Son	Married

2. The Second respondent, Tahsildar of Perambur taluk, Perambur, chennai, had issued Legal Heirship certificate as follows:

S.No.	NAME	AGE	RELATIONSHIP	MARRIED/UNMARRIED
1	Tmt.Suseela	46	wife	widow
2.	Thiru.David balu	25	Son	Married
3.	Thiru. Israel	22	Son	married
4.	Selvan. Prabu	12	Son	married

3.He had omitted the names of the petitioner and her two other sisters namely Suba and Sheeba and he had included another person Mr.Prabu whom the learned counsel for the petitioner claims that he is not the Legal heirs of K.Sriramalu. In view of all these, the petitioner had given representation on 12.03.2019, to cancel the said Legal heirs certificate and issue fresh Legal heirs certificate. The 2nd respondent/ Tahsildar, Perambur has to conduct enquiry and only thereafter, legal heirs certificate is to be issued. In view of the conflicting claims raised by the petitioner, it would only be appropriate that the certificate already issue dated 27.10.1999 has to be reexamined by the RDO, North Chennai Division, (East) Thandaiyarpur, Chennai and if prima facie case, the details there in appear to incorrect, then the first respondent may take decision whether to cancel the same or not. The petitioner may give a fresh representation to the first respondent /Revenue Divisional Officer, North Chennai Division, (East) Thandaiyarpur, Chennai on or before 07.02.2020 and the said RDO, on the basis of the said representation, take a decision with respect to the Legal heirs certificate already issued. If further enquiry is required then the RDO may take appropriate decision, at any rate on or before 31.01.2020 and if he take a decision to cancel the Legal heirs certificate then he may issue direction to the Tahsildar, Perambur to conduct proper enquiry by issuing the notice to the legal heirs. RDO may keeping in mind, that the petitioner has sought Legal heir certificate of her father who died on 26.07.1978 and therefore, he may issue appropriate directions to the Tahsildar. If the legal heir certificate is cancelled, he

is to conduct enquiry and issue a fresh legal heir certificate at any rate on or before 30.04.2020.

4. With the above direction, this Writ Petition stands disposed of. No costs.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

vsn

To

1. The Revenue Divisional Officer, (RDO)
O/o. North Chennai Division,
(E) Thandaiyarpettai,
Chennai-600 081

2. The Tahsildar,
O/o. Perambur Taluk Office,
Perambur,
Chennai-11

+1 CC to Mr. P.A. Chithramani, Advocate sr 3964.

+1 CC to Govt. Pleader sr 4766.

Writ Petition No. 32330 of 2019

BP (CO)
SP (21/02/2020)

सत्यमेव जयते

WEB COPY