



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33529 of 2013

and

M.P.No.1 of 2013

B.Loganathan

...Petitioner

Vs.

1. The District Collector,
Chennai District, Chennai - 1.

2. The Tashildar,
Purasavakkam, Perambur Circle,
Chennai - 11.

3. The Additional Health Officer,
Chennai Corporation,
Chennai - 3.

4. Tmt.V.Idhayavani

...Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records from the first respondent proceedings in Ref.No.U6/8729/2013 dated 30.9.2013 and quash the same as illegal, arbitrary.

For Petitioner : Mr.A.Esakkiappan

For Respondents : Mr.C.Kathiravan
Government Advocate
[For R1 & R2]

Mr.S.Muthukrishnan
[For R4]

O R D E R

The relief sought for in the present writ petition is to quash the order passed by the District Collector, Chennai vide proceedings dated 30.09.2013.

2. The case of the petitioner is that the legal heirship



certificate was signed and issued by the second respondent. Subsequently, the first respondent cancelled the legal heirship certificate without even giving an opportunity of hearing to the petitioner herein and therefore, appropriate actions are to be taken for cancellation of the legal heirship certificate.

3. In this regard, Learned Government Advocate appearing on behalf of respondent Nos. 1 to 3 relying on the counter-affidavit made a submission that the reason for passing the order is stated in paragraph No.9 of the counter-affidavit, which reads as follows:-

"9. It is submitted that with reference to the averments made in para 4 of the affidavit the contention of the petitioner that all of a sudden orders were passed to cancel the Legalheirship Certificate and to take necessary action against the petitioner is totally false for the reason that the petitioner Loganathan and the counter petitioner Tmt.Ithayavani have been enquired in this office and based on the statement and on receipt of the Tahsildar's report and after perusing the records, it has been decided to cancel the Legalheirship Certificate. Further, as the counter petitioner Tmt.Ithayavani had stated that the death certificate produced by Loganathan was not issued by the Corporation of Chennai, the Tahsildar Purasawalkam - Perambur Taluk was directed to ascertain the veracity of the death certificate and then take necessary action against Thiru.Loganathan for having submitted the wrong details for getting legal heir ship certificate. Hence, it is submitted that only after giving opportunity to the petitioner, orders were passed for cancellation of the Legalheirship Certificate. So, it has not happened all of a sudden as contended by the petitioner."

4. In view of the fact that the issue raised is relating to grant of legal heirship certificate, the parties aggrieved have to approach the competent court of law for establishing their right for claiming legal heirship. Only in the event of crystallising the right of succession, the Revenue Authority would be in a position to issue legal heirship certificate. Contrarily, the Revenue Authority cannot conduct an adjudication in respect of right of succession.

5. Therefore, this Court is of the view that there is no infirmity as such in respect of the order dated 30.09.2013 passed by the first respondent. In view of that, the petitioner is at liberty to work out his remedy in the manner known to law.



6. Accordingly, this writ petition is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The District Collector,
Chennai District, Chennai - 1.
2. The Tashildar,
Purasavakkam, Perambur Circle,
Chennai - 11.
3. The Additional Health Officer,
Chennai Corporation,
Chennai - 3.

+1cc to the Government Pleader, S.R.No.52805

W.P. No.33529 of 2013

KSM(CO)
RGA(26/10/2021)