



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.12624 of 2021

1.Muthulakshmi
2.Sampath
3.A.Shanthi
4.Vennila
5.Karpagam
6.Venkatesan
7.Alamelu

..Petitioners

Vs.

1.The Revenue Divisional Officer,
Sriperumbudur,
Kancheepuram District.

2.The Tahsildar,
Kundrathur Taluk,
Kundrathur.

3.S.Rani
4.V.Settu
5.A.Palaniammal
6.N.Balakrishnan
7.Kuppammal
8.Devaki
9.C.Padmanaban

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to dispose of the petitioner's application dated 03.05.2021 to issue legal heirship certificate of Late Munusamy including the names of the petitioners and the respondents 3 to 9.

For Petitioners : Mr.P.Krishnan

For Respondents : Mr.S.John J.Raja Singh
Government Advocate
[For R1 & R2]



ORDER

The writ on hand is filed to direct the first respondent to dispose of the petitioner's application dated 03.05.2021 to issue legal heirship certificate of Late Munusamy including the names of the petitioners and the respondents 3 to 9 in the writ petition.

2. The petitioner states that his grandfather namely Late Mr. Munusamy purchased properties through Registered Sale deed dated 25.03.1946 and 11.08.1953.

3. It is contended that the said Late Munusamy have two sons and two daughters. The petitioners claim that they are the legal heirs of Smt. Pushpa and Late Chinnaponnu and the respondents 3 to 9 are the legal heirs of Late Veerabadran and Late Chinnadurai. During the UDR Scheme, the joint patta was in the name of Veerabadran and Chinnadurai, sons of Late Munusamy by suppressing the facts that the petitioners' mothers are also the legal heirs of Late Munusamy.

4. The petitioners sent a representation on 03.05.2021 to the Revenue Divisional officer, Sriperumbudur, to issue legal heir certificate of Late Munusamy by including the names of the petitioners and the respondents 3 to 9. However, the representation was not considered and thus, the petitioners are constrained to move the present writ petition.

5. The learned counsel appearing on behalf of the petitioners solicited the attention of this Court with reference to the Genealogy Tree of Late Munusamy. Unfortunately, even the date of the death of the said Munusamy is not available with the petitioners. Perusal of the Genealogy tree, which is made available in the affidavit filed in support of the present writ petition, this Court is of the considered opinion that the revenue authorities cannot resolve such civil disputes in a family and this apart, the petitioners are not the Class 1 legal heirs and even the date of death of their grandfather Late Munusamy is not available, the petitioners are bound to approach the competent Court for adjudication and for redressal of their grievances. The Revenue authorities cannot conduct an enquiry into the disputed issues with reference to certain documents and evidences. Undoubtedly, an enquiry may be conducted and in the present case, the petitioners are unable to provide the date of death of their grandfather and further, there are certain disputes in this regard, which all are to be resolved by approaching the competent court of law.



6. This Court is of the considered opinion that even for granting a direction to dispose of a representation, the petitioners have to establish a legal right. In the absence of any such right, no writ can be entertained. In the present case, the facts are not clear and further, to issue a legal heir certificate, the petitioners have to resolve the disputes between the family. The petitioners are claiming as grand children of one Late Munusamy, who have two sons and two daughters.

7. Therefore, this Court is not inclined to consider the relief as such sought for in the present writ petition. Accordingly, the writ petition stands dismissed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Revenue Divisional Officer,
Sriperumbudur,
Kancheepuram District.

2.The Tahsildar,
Kundrathur Taluk,
Kundrathur.

+1 CC to The Government Pleader sr 27713.

W.P.No.12624 of 2021

AKII(CO)
SP(27/07/2021)