



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.09.2021

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

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WP No.35236 of 2016

and WMP No.30355 of 2016

Poonkodi

.. Petitioner

Vs.

The Tahsildar,
Chengam Taluk,
Thiruvannamalai District.

.. Respondent

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the O.Mu.A1/6510/2015 dated 21.08.2015 and quash the same and directing the respondent to issue Legal Heirship Certificate to the petitioner.

For Petitioner : Mr.A.Lobamudra

For Respondent : Mr.C.Kathiravan
Government Advocate.

ORDER

The order of rejection dated 21.08.2015, rejecting the application submitted by the writ petitioner for grant of Legal Heirship Certificate is under challenge in the present writ petition.

2. The petitioner states that her father Mottaiya Udaiyar, executed a Deed in her favour and in favour of her sister on 26.02.2014 and thereby bequeathed some properties and allotted shares to her brother and her deceased brother's wife. It is contended that the deceased brother's wife of the petitioner is trying to set up another forged deed to grab the entire property, stating that her father executed a WILL.

3. Thus, it is made clear that a family dispute exists between the parties. Perusal of the order impugned would reveal that the petitioner submitted an application for Legal Heirship Certificate. However, the son, daughter and wife of Late Mottaiya Udayar raised objections for grant of Legal Heirship Certificate by stating that there are family disputes. Considering the facts and circumstances, the respondent rejected the application for grant of Legal Heirship Certificate. The counter affidavit filed by the respondent states as follows:



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"8.. the petitioner's father, Mottaiya Udaiyar, married Kanaka according to Hindu customs and rites on 06.09.1962. In this wed-lock between Mottaiya Gounder and Kanaka, they begot two male children viz., (1) Manickam and (2) Jayakanthan. They had no female issues. The above said Jayakanthan, son of Mottaiya Udaiyar died leaving his wife, Sasikala, daughters, Jayalakshmi, Dhivya and son, Muthukumaran. Thus, the children of Mottaiya Udaiyar through his concubine, Saradhambal, and the children of Mottaiya Udaiyar through his legally wedded wife, Kanaka, are also entitled to succeed deceased Mottaiya Udaiyar. However, the above said Manickam, son of Mottaiya Udaiyar through his legally wedded wife, Kanaka, submitted a representation dated 12.05.2015. At the same time, this respondent has no other alternatives than to reject the petitioner's representation dated 21.08.2015. At the same time, this representation has not issued any legal heir certificate to anybody, in view of the conflicting claims and counter-claims made by the children of deceased Mottaiya Udaiyar."

4. The facts as narrated in the counter affidavit filed by the respondent would reveal that the other legal heirs are also there and the names of those legal heirs are also to be included in the Legal Heirship Certificate. If there is any other dispute in respect of the legal heirship, the parties have to approach the competent Court of law. Contrarily, the revenue officials cannot resolve the disputes relating to succession.

5. This being the factum, this Court do not find any infirmity in the order passed by the respondent. However, the petitioner is at liberty to redress her grievances in the manner known to law.

6. With these observations, the writ petition stands disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

ars

-sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar



To

The Tahsildar,
Chengam Taluk,
Thiruvannamalai District.

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+1 C.C. TO MR.P.R.BALASUBRAMANIAN, ADVOCATE SR.NO.49224/2021

+1 C.C. TO GOVERNMENT ADVOCATE, SR.NO.49779/2021

WP No.35236 of 2016

PMK

DV(20/10/2021)