



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 20549 of 2021

1. K.Egavalli
2. K.Raja
3. K.Kala
4. K.Ramachandran
5. A.Saraswathy
6. V.Samundeeswari
7. Sathyamoorthy

.. Petitioners

Versus

1. The District Collector
Chennai District,
District Collector Office Chennai,
No.62, Rajaji Salai, Fourth Floor,
Chennai - 600 001.
2. The Revenue Divisional Officer,
North Chennai Division,
Tondaiyarpuram, Chennai - 81.
3. The Tahsildar,
Perambur Taluk, Perambur Taluk Office,
Purasawakkam, Chennai - 600 011.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in e/f/vz;/ml/ 125/2018 dated 07/02/2019 and quash the impugned order of the respondents and consequently direct the respondents to issue legal heirship certificate to the petitioners as per the Hindu Succession act within a time frame fixed by this Court.

For Petitioners : Ms. A. Laxmi Raj Rathnam

For Respondents : Mr. G. Krishnaraja
Government Counsel



ORDER

Challenging the order dated 07.02.2019 passed by the second respondent, the present writ petition is filed.

2. According to the petitioners, they are the legal heirs of deceased Mr.P.Kesavan, who was employed as Sanitary Worker in the Slaughter House run by the Government at Perambur. It is stated that the first petitioner is the first wife of the deceased Kesavan and out of such wedlock, the petitioners 2 to 4 were born. Thereafter, the deceased Kesavan contracted a second marriage with one Vennila through whom four children have born and they are the petitioners 5 to 7 herein and one Kuttyammal, who died on 25.09.2006. On 02.01.2011, the husband of the first petitioner and father of the other petitioners namely Kesavan died. On his death, the petitioners have submitted an application for issuing a legal heir certificate. After due enquiry, a legal heir certificate was issued to the petitioners 5 to 7 on 01.02.2011 and another legal heir certificate dated 16.02.2012 was issued to the petitioners 1 to 4. While so, after six years, the second wife namely Vennila has submitted an application dated 08.11.2017 to cancel the legal heir certificates issued to the petitioners. On the basis of such application, an enquiry was conducted in which the statement of the first petitioner (first wife of the deceased) and the second wife Vennila were recorded on 15.03.2018. Thereafter, the second respondent passed the impugned order dated 07.02.2019 cancelling both the legal heir certificates dated 01.02.2011 and 16.02.2012 and directed the parties to approach the Civil Court.

3. Today, when the matter was taken up for consideration, the learned Government Counsel appearing for the respondents submitted that the respondent authorities now verified all the documents submitted by the petitioners. The second wife Vennila has now claimed for issuing legal heir certificate to the petitioners 5 to 7, who were born out of the wedlock between her and the deceased Kesavan. Therefore, there is no impediment on the part of the second respondent to issue a Legal heirship certificate as per the Law of succession. Such statement is recorded.

4. In view of the above submission made by the learned counsel appearing for the respondents, the order dated 07.02.2019 passed by the second respondent is set aside and the matter is remanded back to the third respondent for fresh consideration. The third respondent shall conduct an enquiry, afford an opportunity of hearing to the petitioners, consider the documentary evidence that may be submitted by them and thereafter



pass an order on merits and in accordance with law as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

av/rsh

To

1. The District Collector, Chennai District,
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2. The Revenue Divisional Officer,
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3. The Tahsildar,
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Purasawakkam, Chennai - 600 011.

+1cc to the Government Pleader, S.R.No.53913

WP No. 20549 of 2021

KSM(CO)
SU(22/11/2021)