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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 17578 of 2021

S. Rajendran

.. Petitioner

Versus

1. The Revenue Divisional Officer
Central Chennai Division
SH-112, Gandhi Nagar
Anna Nagar West Extension
Chennai - 600 040.

2. The Tahsildar
Ayanavaram Taluk
No.18/31, Palliarasan St
Aspiran Garden Colony
Kumaran Nagar, Kilpauk,
Chennai - 600 010

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second respondent to issue the legal heir certificate forthwith as per the orders of the first respondent dated 07.09.2019 passed in Na.Ka.No.4240/2018/A4.

For Petitioner : Mr. P. Krishnan

For Respondents : Mr. G.Krishnaraja,
Government Counsel

O R D E R

Mr. G. Krishnaraja, learned Government Counsel, takes notice for the respondents. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

2. The relief sought for in this writ petition is to direct the second respondent to issue legal heir certificate to him as per the order dated 07.09.2019 issued by the first respondent.



3. According to the petitioner, he and his sister Rajammal are the biological children born to his parents Vengappan and Jayalakshmi. While so, on the request made by Mr. R. Sivaprakasam, the petitioner was given in adoption. The petitioner was adopted after following the customary rites besides execution of a Deed of Adoption dated 23.05.1986 registered as document No. 505 of 1986. It is stated that R. Sivaprakasam was employed in Southern Railway and during his life time, he has purchased two house plots bearing Plot Nos. 29 and 30 in Survey No.427/1 part in Koduvalli Village, Thiruvallur Taluk, by a registered sale deed bearing document Nos. 1908 of 1988 on the file of Sub-Registrar, Arani. It is also claimed that the petitioner's father handed over the title deeds of the aforesaid property to him during the first week of April 1990 in the presence of his sister. While so, on 28.06.1991, Sivaprakasam died leaving behind the petitioner and his sister Rajammal as his legal heirs. To this effect, a legal heir certificate dated 16.10.1991 was also issued by the Tahsildar, Purasawalkam-Perambur Taluk.

4. The grievance of the petitioner is that one Jayalakshmi had obtained a forged and fabricated legal heir certificate dated 16.10.1991, in which her name was also included as one of the legal heirs of Sivaprakasam. Based on such forged legal heir certificate, certain sale deeds were executed by Jayalakshmi thereby alienating the properties of late. Sivaprakasam. On coming to know about the forged and fabricated documents, the petitioner submitted an application dated 20.12.2016 before the District Collector, Chennai. The application dated 20.12.2016 was forwarded to the Sub-Collector on 23.05.2017, who in turn called for a report from the second respondent. However, the second respondent did not conduct any enquiry or pass an order thereof, hence, the petitioner has filed WP No. 16742 of 2018 before this Court and it was disposed of on 09.07.2018. Pursuant to the direction issued by this Court, the first respondent conducted an enquiry and passed an order dated 07.09.2019 whereby cancelled the two legal heir certificates, both dated 16.10.1991 and directed the second respondent to issue a fresh legal heir certificate after conducting enquiry. According to the petitioner, pursuant to the order dated 16.10.1991, the respondents did not conduct any further enquiry to issue a fresh legal heir certificate. He has therefore submitted a representation dated 01.02.2021, but no order was passed thereon. In such circumstances, finding no other option, the petitioner has come up with this writ petition for the aforesaid relief.

5. The learned counsel for petitioner submits that the petitioner made a representation dated 01.02.2021 for conducting an enquiry and to issue a fresh legal heir certificate and it is



pending with the respondents. Therefore, he would submit that the said representation may be directed to be considered by the second respondent in the light of the order dated 07.09.2019 of the first respondent, within a specified time limit.

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6. The learned counsel appearing for the respondents submitted that the respondents would consider the representation of the petitioner and pass orders, on merits, within a time to be fixed by this Court.

7. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the second respondent to consider the representation of the petitioner dated 01.02.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and others connected with the dispute, in the light of the proceedings dated 07.09.2019 of the first respondent, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

av/rsh

To

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+1cc to the Government Pleader Sr No.42315

WP No. 17578 of 2021

PL (CO)

PR (06/10/2021)