

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM

THE HONOURABLE M.R.JUSTICE ABDUL QUDDHOSE

W.P. No.16277 of 2020

&

W.M.P.No.20353 of 2020

1.L.Thenmozhi
2.D.Yogeshwari
3.S.Poovazhagi

Petitioners

Vs

1.The Collector,
Chengalpattu District,
Chengalpattu.
2.The Revenue Divisional Officer,
Tambaram, Chengalpattu District.
3.The Tahsildar,
Pallavaram, Chengalpattu District.
4.M.Purushothaman
5.B.Anandhi
6.M.Giridhararaja

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents 1 to 3 to conduct an enquiry with regards to the legal heir certificate dated 06.06.1995 Ref.No.Pa.Mu.No.11139/A2 issued by the Taluk Office, Saidapet and to issue a fresh legal heir certificate by including the legal heirs of M.R.Madhavaraja namely viz., M.Ravichandraraja, Mrs.Yogeshwari, Mrs.Karkuzhali, Mrs.Thenmozhi and Mrs. Poovazhagi by disposing the written representation made by the petitioners on 18.08.2020.

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For Petitioner ... Ms.R.Hemalatha

For Respondents 1 to 3 ... Mr.V.Shanmuga Sundar
Special Government Pleader

For Respondent 4 ... Mr.Vignesh Raj for
M/s.M.Muthappan

ORDER

This writ petition has been filed challenging the issuance of legal heirship certificate dated 06.06.1995 wherein the respondents 4 to 6 have been declared as the only legal heirs of the deceased M.R.Madhavaraja who died on 30.01.1995.

2. By consent of both parties, this writ petition is taken up for final disposal.

3. It is the case of the petitioners that they are the daughters of M.R.Madhavaraja who died on 30.01.1995. According to them, the petitioners are the daughters, the respondents 4 & 6 are the sons and the fifth respondent is the daughter-in-law of the deceased M.R.Madhavaraja and they have to be disclosed as the legal heirs of the deceased M.R.Madhavaraja. However, according to them, arbitrarily and by total non application of mind, the impugned legal heirship certificate dated 06.06.1995 has been issued by the third respondent excluding the petitioners as legal heirs of M.R.Madhavaraja. In such circumstances, this writ petition has been filed.

4. Heard Ms.R.Hemalatha, learned counsel for the petitioners, Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondents 1 to 3 and Mr.Vignesh Raj, learned counsel for the respondents 4 to 6.

5. In the typed set of papers filed by the petitioners in support of this writ petition, they have filed the following documents viz., (a) death certificate of M.R.Madhavaraja, (b) copy of secondary school leaving certificate of the first petitioner (c) copy of PAN card of the second petitioner and (d) copy of aadhar card of the third respondent.

6. As seen from the aforementioned documents, it discloses that M.R.Madhavaraja (deceased) is the father of the respective petitioners. However, under the impugned legal heirship certificate issued by the third respondent on 06.06.1995, the names of the petitioners have been excluded, even though documents have been produced to show that they are the legal

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heirs of the deceased M.R.Madhavaraja. The documents filed in support of this writ petition have not been considered by the third respondent while issuing the impugned legal heirship certificate dated 06.06.1995.

7. This being the case, this Court is of the considered view that the impugned legal heirship certificate dated 06.06.1995 has been issued arbitrarily and by not considering the documents filed by the petitioners which have been filed in the typed set of papers along with this writ petition. Hence, the impugned legal heirship certificate will have to be necessarily quashed and the matter will have to be remanded back to the third respondent for fresh consideration on merits and in accordance with law after hearing all the necessary parties.

8. In the result, the impugned legal heirship certificate dated 06.06.1995 issued by the third respondent for M.R.Madhavaraja disclosing the names of the fourth to sixth respondents only is hereby quashed and the matter remanded back to the third respondent for fresh consideration and the third respondent shall pass final orders with regard to the issuance of legal heirship certificate for the deceased M.R.Madhavaraja who died on 30.01.1995 on merits and in accordance with law after hearing all the necessary parties including the petitioners as well as the respondents 4 to 6 and if necessary any other party within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Collector,
Chengalpattu District,
Chengalpattu.

2.The Revenue Divisional Officer,
Tambaram, Chengalpattu District.

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3.The Tahsildar,
Pallavaram, Chengalpattu District.

+1cc to Mr.M.Muthappan, Advocate SR.3309

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RSV(CO)
CB(16/02/2021)



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