



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.09.2021

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 19261 of 2021

Balasubramaniam

.. Petitioner

Versus

1. The District Collector
Namakkal District
Namakkal - 637 001
2. The Revenue Divisional Officer
Namakkal - 637 001
3. The Tahsildar
Rasipuram Taluk
Rasipuram - 637 408
4. The Village Administrative Officer
Nammagiripet
Rasipuram Taluk
Namakkal District - 637 406
5. Sivalingam

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the third respondent to cancel the Legal Heirship Certificate in Ref.Nee.Mu.4276/16 dated 18.03.2016 as illegal

For Petitioner	:	Mr. R. Prabhakaran
For Respondents	:	Mr. G. Krishnaraja
		Government Counsel (For R1 - R4)

O R D E R

The present writ petition has been filed seeking to issue a Writ of Mandamus directing the third respondent to cancel the Legal Heirship Certificate in Ref.Nee.Mu.4276/16 dated 18.03.2016 as illegal.

2. According to the petitioner, he is the grandson of the deceased Kolandan @ Kolanthaivel and son of Nallayan. His father Nallayan is one of the sons born to his grand father Kolandan @ Kolanthaivel. However, the fifth respondent claimed himself to be the son of the second wife of Kolandan by name Angammal. To the best of the knowledge of the petitioner, his grand father did not contract a second marriage with any one by name Angammal. It is the further case of the petitioner that the fifth respondent, with a malafide intention to grab the properties of his grand father, had suppressed the existence of



direct legal heirs and procured a legal heirship certificate for Kolandan on 18.03.2016. In fact, his grand father Kolandan died on 22.09.1962 and after 55 years of his death, the third respondent is legally not empowered to issue a legal heir certificate, which is in violation of the Government Letter No. 1534, dated 28.11.1991. Aggrieved by the same, the petitioner made a representation dated 05.07.2021 to the respondents 1 to 3 to cancel the legal heir certificate dated 18.03.2016. But the said representation of the petitioner has not been considered by the respondents. Therefore, he is before this Court with this writ petition for the aforesaid relief.

3. It is the specific contention of the learned counsel for the petitioner that without proper enquiry among the surviving legal heirs, the fifth respondent was issued with the legal heirship certificate dated 18.03.2016. Hence, seeking to cancel the said certificate, the petitioner submitted a representation dated 05.07.2021 to the respondents 1 to 3, but, the same was not considered till date. Hence, appropriate direction be issued to the respondents in this regard.

4. On the other hand, the learned Government counsel appearing for the respondents fairly submitted that the third respondent would consider the representation of the petitioner and pass orders on merits within a time frame to be stipulated by this court.

5. Considering the above facts and circumstance of the case coupled with the submissions made by the learned counsel for both sides, this court, without going into the merits of the case, directs the third respondent to consider the petitioner's representation dated 05.07.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and the fifth respondent, within a period of six weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dhk/rsh

To

<https://hcservices.ecourts.gov.in/hcservices/>
1. The District Collector
Namakkal District
Namakkal - 637 001



2. The Revenue Divisional Officer
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4. The Village Administrative Officer
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Rasipuram Taluk
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+1 cc to Government Pleader Sr.NO. 47216

W.P. No. 19261 of 2021

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A.SK(12.10.2021)