



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-12-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.19903 of 2014

And

MP Nos.1 and 2 of 2014

Tmt.Rajeshwari

.. Petitioner

vs.

1. The Secretary,
Revenue Department,
Government of Tamil Nadu,
Chief Secretariat,
Fort St. George,
Chennai.

2. The Executive Magistrate cum
Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Salem.

3. The Tahsildar,
The Taluk Office,
Salem.

4. Tmt.Neela

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records and to quash the order in Na.Ka.No.2771/2013/m4 dated 03.01.2014 passed by the second respondent cancelling the legal heir certificate dated 23.09.1989 issued to the petitioner and directing the third respondent to issue a fresh legal heir certificate to the fourth respondent.

For Petitioner : Mr.R.Babu

For Respondents-1 to 3 : Mr.M.Rajendran,
Additional Government Pleader.

For Respondent-4 : Mr.G.Vinodhkumar



O R D E R

The cancellation of legal heir certificate issued by the second respondent in proceedings dated 03.01.2014, is under challenge in the present writ petition.

2. As per the impugned order, the petitioner is the second wife of late Mr.R.Kanagarajan. The impugned order further states that the first wife of late Mr.R.Kanagarajan is Smt.Selvi @ Ammasi. Initially, the legal heir certificate was issued in favour of the petitioner and after conducting an enquiry, the legal heir certificate was cancelled on account of identification of certain facts. The fourth respondent is the daughter of the first wife Smt.Selvi @ Ammasi.

3. When there are disputes between the two wives and between legal heirs, the parties are bound to approach the Competent Court of Law for the purpose of adjudication and to resolve the issues.

4. Contrarily, the Revenue Authorities cannot take such an adjudication based on the documents and evidences, including oral evidences. When such disputes are to be adjudicated by the Competent Court and therefore, this Court do not find any infirmity.

5. This apart, this Court cannot form an opinion on the persons, who all are the legal heirs of the deceased person. Such an adjudication must be undertaken by the Competent Court of Law and the parties aggrieved are at liberty to approach the Competent Court for the purpose of redressing their grievances. Only after obtaining an order from the Competent Court, either anyone of the legal heirs may approach the Revenue Authorities for the purpose of issuance of legal heir certificate by following the procedures contemplated.

6. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

Svn



To

1. The Secretary,
Revenue Department,
Government of Tamil Nadu,
Chief Secretariat,
Fort St. George,
Chennai.
2. The Executive Magistrate cum
Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Salem.
3. The Tahsildar,
The Taluk Office,
Salem.

+1cc to Mr.Vijayakumar, Advocate, S.R.No.62855

+1cc to the Government Pleader, S.R.No.63466

WP 19903 of 2014

PL(CO)
SU(09/12/2021)