



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 22883 of 2021

M. Nagarajan

.. Petitioner

Versus

1. The District Collector
District Collector Office
Krishnagiri
Krishnagiri District
2. The Tahsildar
Hosur Taluk Office
Hosur
Krishnagiri District
3. The Reveue Inspector
Hosur
Krishnagiri District
4. Kamala
5. Vijayakumari

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 herein to consider and dispose of the petitioner's representation dated 03.09.2018 for cancellation of legal heir certificate issued by the 2nd respondent in Pa.Mu.6745/2011(C) dated 15.06.2011 and issue fresh proper legal heirship certificate of late Gowramma.

For Petitioner : Mr. R. Bharath Kumar

For Respondents : Mr.Krishnaraja

Government Counsel for R1-R3

ORDER

The present petition has been filed praying for issuance of Writ of Mandamus to direct the respondents 1 to 3 herein to



consider and dispose of the petitioner's representation dated 03.09.2018 for cancellation of legal heir certificate issued by the second respondent in Pa.Mu.6745/2011(C) dated 15.06.2011 and issue fresh legal heirship certificate of late Gowramma.

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2. According to the petitioner, he and his three sisters are the children born to his mother Gowramma. It is stated that the petitioner's mother Gowramma died on 16.01.2011 at Narayana Hindulaya Hospital, Bangalore due to her ill-health. However, the respondents 4 and 5, who are the sisters of the petitioner, have given a false complaint to the Inspector of Police, Hosur Police Station as if the petitioner murdered her mother. On the basis of such complaint, a case in Crime No. 40 of 2011 was registered against the petitioner. After investigation, a charge sheet has been filed in S.C. No. 42 of 2011 on the file of Principal Sessions Judge, Krishnagiri. After trial, by Judgment dated 12.02.2013, the Sessions Judge convicted the petitioner to undergo life imprisonment. Aggrieved by the judgment dated 12.02.2013, the petitioner filed Criminal Appeal No. 152 of 2013 before this Court. By Judgment dated 24.03.2016, this Court partly allowed the appeal by setting aside the conviction and sentence for the offence under Section 302 of IPC, convicted the petitioner for the offence under Section 323 of IPC and reduced the sentence to the period already undergone by her.

3. The grievance of the petitioner is that the respondents 4 and 5, with an ill-intention to grab the property of her mother, have obtained a legal heir certificate, by misrepresentation, from the second respondent on 15.08.2011 in which the name of the petitioner and another sister Ramakka were excluded. On the strength of such legal heir certificate, the respondents 4 and 5 have taken possession of all the movable properties of his mother with the aid of police on 18.01.2011 itself. The petitioner also came to know that the respondents 4 and 5 are in receipt of rental income from the immovable property by name Gowramma Complex. The petitioner therefore filed RCOP Nos. 2, 3 and 4 of 2013 before the District Munsif Court, Hosur. Further, the other sister of the petitioner by name Ramakka has also filed a suit in O.S. No. 100 of 2011 for partition in which a preliminary decree of partition was passed on 19.08.2016. According to the petitioner, the respondents 4 and 5 have obtained a false and fabricated legal heir certificate on 15.08.2011 from the second respondent. Therefore, the petitioner sent representation dated 03.09.2018 to the first respondent to cancel the legal heir certificate issued by the second respondent in Pa.Mu.6745/2011(C3) dated 15.06.2011. However, the petitioner's representation is kept pending without consideration. Hence, this writ petition.



4. Heard both sides and perused the materials placed on record. Considering the facts and circumstances of the case, this court, without expressing any opinion on the merits of the case, directs the first respondent to consider the petitioner's representation dated 03.09.2018 and pass appropriate orders, on merits and in accordance with law, after affording opportunity of hearing to the petitioner as well as the respondents 3 and 4, within a period of six weeks from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dhk/rsh

To

1. The District Collector
District Collector Office
Krishnagiri
Krishnagiri District
2. The Tahsildar
Hosur Taluk Office
Hosur
Krishnagiri District
3. The Reveue Inspector
Hosur
Krishnagiri District

+1CC to Mr.R.Bharathkumar, Advocate, Sr.No.54870

+1CC to Mr.Government Pleader, Sr.No.55866

WP No. 22883 of 2021

SSV (CO)

K.RK. (22.11.2021)