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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25750 of 2021

Senthamarai

... Petitioner

Vs.

1. The District Revenue Officer
Krishnagiri District
2. The Tahsildar
Uthankarai Taluk Office,
Krishnagiri District.
3. S. Padmanathan

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to dispose the appeal filed by the petitioner on 21.06.2021 within stipulated time after giving opportunities to the petitioner.

For Petitioner : Mr.M.Sridhar

For Respondents R1 & R2 : M/s.C.Sangamithirai
Special Government Pleader

For Respondent R3 : No Appearance

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the 1st respondent to dispose the appeal dated 21.06.2021 filed by the petitioner within the time to be stipulated by this Hon'ble Court.

2. The case of the petitioner is that she is the sister of the 4th respondent, however, the 4th respondent after the demise



of their father, one Srinivasan, obtained the legal heir-ship certificate from the 2nd respondent vide his proceedings dated 04.02.2016 without including the name of the petitioner as one of the legal heir and he transferred all the properties stood in the name of their late father to his name and thereafter, he settled the same in favour of his wife by executing a settlement deed on 18.09.2018 and registered the same. Thereafter, the petitioner sent legal notice to 2nd and 3rd respondents to cancel the legal heir-ship certificate obtained and since there was no response, the petitioner filed an appeal on 21.06.2021 before the 1st respondent objecting the legal heir-ship certificate obtained and to cancel the said certificate, however, till date no order has been passed on the appeal filed by the petitioner. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submits that, the petitioner and the 4th respondent are the biological children of the late. Mr.Srinivasan. The petitioner's father died in the year 2011 and the 4th respondent, without including the name of the petitioner as one of the legal heir, obtained the legal heir-ship certificate using forged certificates as if he is the only biological son/legal heir of the said Srinivasan. He further submitted that it would suffice, if this Court issues direction to the 1st and 2nd respondents to consider the petitioner's appeal dated 08.02.2020 and to pass appropriate orders.

4.The learned counsel appearing for the respondents 1 and 2 submitted that, in order to substantiate that the petitioner is the legal heir of the said Srinivasan, no proof has been filed by her and without any proof, the petitioner's appeal cannot be considered. If at all the petitioner has any grievance, the petitioner can file a fresh petition along with the proof showing that she is also one of the legal heir of the said Srinivasan before the competent civil court.

5.Heard the arguments advanced on either side.

6. In view of the above submissions made by the learned counsel for both sides, though the petitioner claims that she is also one of the biological daughter of the said Srinivasan, no proof has been submitted by her in order to substantiate her contention. Hence, in the absence of such proof, cancelling the legal heir-ship certificate obtained by the 3rd respondent is not sustainable. Hence, this Court cannot issue direction to the 1st respondent to consider and to pass orders on the appeal filed by the petitioner objecting the legal heir-ship certificate obtained by the 3rd respondent.



7. Accordingly, this Writ petition stands dismissed. No costs. However, liberty is granted if the petitioner possess the documents to file appropriate application/suit before the competent forum.

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Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

skt

To

1. The District Revenue Officer¹
Krishnagiri District
2. The Tahsildar
Uthankarai Taluk Office,
Krishnagiri District.

+1cc to the Government Pleader, S.R.No.64381

W.P.No.25750 of 2021

KSM(CO)
SU(07/01/2022)