



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31910 of 2019 and
W.M.P.No.32172 of 2019

1. R. Shylaja
2. B. Ramavathi
3. Sai Kalavathi
4. M. Gauthami
5. S. Sumathi

... Petitioners

Vs.

1.The District Collector,
Tiruvallur District.

2.The Revenue Divisional Officer,
Ambathur

3.The Thasildar,
Ambathur

4.S.Mohanarangan

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari by calling for the records of 2nd respondent impugned order dated 08.06.2017 made in Na.Ka.No.1656/2016/A4 and quash the same.

For Petitioners	:	M/S. Anita Priscilla Jason
For Respondents R1-R3	:	Mr.M.R.Gokul Krishnan Government Advocate
For Respondent R4	:	Mr.Arunkumar

O R D E R

The petitioners have filed this writ petition seeking to call for the records of 2nd respondent impugned order dated 08.06.2017 made in Na.Ka.No.1656/2016/A4 and quash the same.

2. The case of the petitioners is that the father of the petitioners is one M.Saravana Mudaliyar, who purchased the property in the year 1976 and the petitioners are daughters of



the said M.Saravana Mudaliyar through his first wife one Smt.Sampath Lakshmi and she died in the year 1983. Thereafter, the father of the petitioners married one T.Sulochana Ammal as second wife to whom he executed a Settlement Deed Vide Doc.No.4821 of 2000 on the file of SRO, Tambaram. Thereafter, the father of the petitioners died leaving behind the petitioners and his second wife as legal heirs. Subsequently, his second wife died in the year 2011. Further, the petitioners had obtained Letter of Administration in O.P.No.30 of 2012 on the file of this Court and also had obtained certificate as legal heirs of T.Sulochana Ammal, who is step mother of the petitioners. Thereafter, the petitioners executed a Sale Deed in favour of one K.S.Arun vide document No.1134 of 2013 on the file of the SRO, Selaiyur.

3. The 4th respondent herein the brother's son of the deceased T.Sulochana Ammal filed false and frivolous cases against the petitioners and K.S.Arun and also filed a suit for injunction in O.S.No.52 of 2013 on the file of learned District Munsif Court, Tambaram and thereafter withdrew the same as settled out of court through compromise memo. Further, he also filed a S.C.O.P.No.1 of 2016 on the file of learned District Munsif Court, Tambaram seeking the relief "To issue certificate of Succession" without mentioning the name of the petitioners. Thereafter, he also filed another suit in O.S.No.158 of 2017 before the DMC, Tambaram for the same relief in O.S.No.52 of 2013 and prayed for cancellation of legal heir certificate by the proceedings of Revenue Divisional Officer, Ambattur following which, he also filed complaint before the 2nd respondent for cancellation of legal heir certificate in favour of the petitioners issued by the 3rd respondent and thereby, the 2nd respondent has cancelled the legal heir certificate under his impugned order dated 08.06.2017 made in Na.Ka.No.1656/2016/A4. As against the impugned order of the 2nd respondent, the present Writ Petition is filed.

4. The learned counsel appearing for the petitioners submit that after the death of the petitioner's step mother in the year 2011, the petitioners filed an application for legal heir certificate based on which, the Tahsildar/3rd respondent issued a legal heir certificate by mentioning that the petitioners are daughters of the first wife of M.Saravana Mudaliyar on 20.08.2011 in Na.Ka.No.4769/2011/A7. However, the said certificate was sought to be cancelled by the 4th respondent before the revenue officials and after a lapse of 6 years, the 2nd respondent, without hearing and not providing any opportunity to the petitioners, cancelled the legal heir certificate of the petitioners. Hence, he prays to quash the impugned order passed by the 2nd respondent.



5. The learned counsel appearing for the respective respondents submit that the name of the petitioner's father is mentioned in the death certificate of Sampath lakshmi whereas it is not mentioned in the death certificate of T.Sulochana, who is the step mother of the petitioners and the fact is that the father of the petitioners, M.Saravana Mudaliyar executed the settlement deed only in favour of his 2nd wife T.Sulochana Ammal and not to his first wife. Thereby, on the said ground, the 2nd respondent cancelled the legal heir certificate of the petitioners. Hence, he prayed for dismissal of the present petition filed by the petitioners.

6. It is clear that the legal heir certificate of the petitioners was issued by the 3rd respondent in the year 2011 and the said certificate was cancelled by the 2nd respondent in the year 2017. After a lapse of 6 years and even without the knowledge of the petitioners, the 2nd respondent has cancelled the legal heir certificate of the petitioners, which is in violation of principles of natural justice and the said impugned order deserves to be set aside. Accordingly, the petition seeking to quash the impugned order by the petitioners is allowed and the matter is remanded back to the concerned authorities for fresh consideration and appropriate orders in accordance with law. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector,
Tiruvallur District.
2. The Revenue Divisional Officer,
Ambathur.
3. The Thasildar,
Ambathur.

+1cc to M/s. Anita P. Jason, Advocate SR. No.59285
+1cc to Government Pleader SR. No.59491

W.P.No.31910 of 2019

NK (CO)
PR (15/12/2021)