



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.24763 of 2017

N.Gopikrishnan

... Petitioner

Vs

1. The District Collector,
Chennai District,
Singaravelar Maligai,
Chennai - 600 001.

2. The Sub-Collector,
O/O.Sub-Collector Tondiarpet,
Tondiarpet, Chennai - 81.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to cancel the bogus Legal heir Certificate vide No. vide Ni.Mu.A.6N/3305/2016 dated 05.11.2016 by conducting the enquiry by giving personal opportunity on the basis of the petitioner's representation dated 27.02.2017 and complete the same within the time framed stipulated by this Court by giving necessary opportunity.

For Petitioner

: Mr.K.Suthan

For Respondents

: Mr.Stalin Abhimanyu,
Government Counsel

ORDER

The prayer made in this writ petition is to direct the respondents to cancel the legal heir certificate dated 05.11.2016 by conducting enquiry, after providing an opportunity of personal hearing, on the basis of the petitioner's representation dated 27.02.2017 and complete the same, within a time frame to be fixed by this Court.

2.According to the petitioner, he is the fourth son of one L.K.Natesa Mudaliar, who died on 17.04.1992. His father is the second husband of his mother Krishnaveni Ammal. Originally, his mother married one Thangavel Mudaliar and gave birth to a male child, through him, by name, Loganatha Mudaliar. After the demise of the said Thangavel Mudaliar, the petitioner's mother



married the said L.K.Natesa Mudaliar and out of the said wedlock, four sons and three daughters were born, viz., (i)N.Venkatesan, (ii)N.Somasundaram (Late), (iii)N.Kamalakannan, (iv)N.Gopikrishnan (petitioner herein) (v)Gnanambigai, (vi) Padmini and (vii)Shenbagavalli. The petitioner's father L.K.Natesa Mudaliar settled his estates through deed of settlement in favour of his wife/ mother of the petitioner to the effect that the same shall be bequeathed to the male heirs. With respect to partition, civil suit is pending between the legal heirs of the deceased K.L.Natesa Mudaliar. While the facts remain thus, the legal heirs of deceased Loganathan namely (i) Leelavathy, (ii)Dhanalakshmi (iii)Devaraj and (iv) Mohan, obtained a legal heirship Certificate on 05.11.2016 as if they are the legal heirs of the deceased K.L.Natesa Mudaliar, by submitting bogus documents and misrepresentation. Feeling aggrieved, the petitioner made a representation dated 27.02.2017 to the respondents requesting to cancel the said legal heir certificate dated 05.11.2016. Upon receipt of the same, the second respondent started enquiry by calling upon the parties. However, there was no progress with regard to the claim of the petitioner, which compelled him to make another representation dated 19.08.2017 to expedite the enquiry. Even thereafter, no fruitful result was forthcoming. Therefore, he has come up with this writ petition for the aforesaid relief.

3.Heard both sides and perused the documents enclosed in the typed set of papers.

4.Considering the limited relief sought in this writ petition, this court, without going into the merits of the case, directs the second respondent to considering the representations of the petitioner dated 27.02.2017 and 19.08.2017, complete the enquiry, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as all the necessary parties, 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-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Chennai District,
Singaravelar Maligai,
Chennai - 600 001.

2. The Sub-Collector,
O/O.Sub-Collector Tondiarpet,
Tondiarpet, Chennai - 81.

+1cc to the Government Pleader, S.R.No.52435

W.P.No.24763 of 2017

KSM(CO)
GN(01/11/2021)