



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

W.P. (MD) .No.12913 of 2021

and W.M.P. (MD) .Nos.9987 & 9989 of 2021

WEB COPY

P.Muthaiah

... Petitioner

Vs.

1.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Usilampatti,
Madurai District.

2.The Tahsildar,
O/o. The Tahsildar,
Peraiyur,
Madurai District.

3.V.Arumugam

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order, dated 13-03-2020, in certificate No.TN-7202003102366 issued by the 2nd respondent in favour of the 3rd respondent and quash the same as illegal and direct the 2nd respondent to issue a legal heir certificate to the petitioner and other legal heirs by conducting proper enquiry by considering the petitioners representation, dated 18-03-2021, within the time stipulated by this Court.

For Petitioner	: Mr.T.Thirumurugan
For Respondents	: Mr.M.Lingadurai
	Government Advocate

OR D E R

This writ petition has been filed praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order, dated 13.03.2020, in Certificate No.TN-7202003102366, issued by the 2nd Respondent, in favour of the 3rd Respondent and quash the same as illegal and direct the 2nd Respondent to issue a legal heir certificate to the Petitioner and other legal heirs by conducting proper enquiry, by considering the Petitioner's representation, dated 18.03.2021.

2.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

3.The case of the petitioner is that his father namely Ponnan died leaving four legal heirs namely 1) Subramani 2) Muthaiah (The Petitioner) 3) Amaravathy 4) Andivelu(Died). After the death of his father, his mother namely Ayyammal lived with Respondent No.3 and they executed a



formal marriage agreement, dated 29.03.1978 and they were not blessed with any children. The Respondent No.3 had obtained the impugned legal heir certificate on 13.03.2020, from the Respondent No.2, in Certificate No.TN-7202003102366, as he is the only legal heir and therefore, challenging the same the present writ petition has been filed.

4.The learned Government Advocate submitted that the petitioner has an appeal remedy before the appellate authority. He would further submit that without availing the same, the petitioner has approached this Court directly. Hence, this writ petition is not maintainable.

5.Admittedly, the 1st respondent is the appellate authority and the petitioner has sent the representation, dated 18.03.2021, to the 1st respondent for cancelling the legal heir certificate. Since the petitioner has an appeal remedy before the appellate authority, the petitioner is directed to file an appeal within a period of one week from the date of receipt of a copy of this order and the appellate authority is directed to dispose of the appeal to be filed by the petitioner within a period of twelve weeks, thereafter.

6.This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Usilampatti,
Madurai District.

2.The Tahsildar,
O/o. The Tahsildar,
Peraiyur,
Madurai District.

+1CC to M/s.T.Thirumurugan, Advocate (SR24699)
+1CC to Special Government Pleader (SR24933)

W.P. (MD) .No.12913 of 2021
29.07.2021

PS

RS (12.08.2021) 2P-5C

<https://hcservices.ecourts.gov.in/hcservices/>